DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

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STATE OF MONTANA

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DECISION NOTICE
ADOPTION OF EXISTING ENVIRONMENTAL REVIEW

Musselshell-Judith Rural Water System Phase 1 Project
Spring 2022
Central Montana Regional Water Authority
24 miles of pipeline from Ubet Wellfield to existing Harlowton Tank in Harlowton, MT
Judith Basin and Wheatland County

Existing Environmental Review Document: Montana Department of Environmental Quality Final Finding of No Significant Impact Environmental Assessment

Type and Purpose of Action

The Central Montana Regional Water Authority (CMRWA) is a public, non-profit organization consisting of a coalition of cities and towns in central Montana with a long legacy of inadequate drinking water. The CMRWA was legally created in 2004 as a public water authority in the state of Montana and proposed the Musselshell-Judith Rural Water System (MJRWS) with the goal of providing a reliable and adequate quantity of high-quality drinking water for the member communities.

Phase 1 of the project consists of installing approximately 24 miles of water supply pipeline in Wheatland and Judith Basin Counties, Montana, to provide safe and reliable drinking water to the town of Harlowton and approximately 40 rural users, including households and livestock watering taps.

There will be four additional phases which will eventually supply water to communities to the east of Phase 1 in Golden Valley and Musselshell Counties as well as to the north further into Judith Basin County. When complete, the MJRWS is anticipated to serve up to 7,500 people over the 50 year planning period. The wells, disinfection building, water storage tank, and a portion of the distribution pipeline constructed in Phase 1, discussed in greater detail in Section 2.1, will serve all of the subsequent phases of the project as the infrastructure is sized for the system as a whole, not just for the residents and rural users to be served in Phase 1.

Phase 1 of the MJRWS pipeline begins at an existing water storage tank site located within the town of Harlowton and ends at MJRWS Well #3 in Judith Basin County approximately 3.5 miles west of Garneill, Montana (Figure 1 in attached Environmental Assessment below). The Judith Gap Tank site is located on the eastern tip of the Little Belt Mountains northwest of the town of Judith Gap.

The legal description of the of the pipeline route, tank location, disinfection building, and well location includes portions of the following sections:
- Sections 2, 11, 14, 15, 22, Township 8 North, Range 15 East;
- Sections 2, 3, 10, 15, 22, 27, 34, Township 9 North, Range 15 East;

• Sections 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34, 35, Township 10 North, Range 15 East;
• Sections 3, 4, 9, 10, 15, 22, 26, 27, 34, 35, Township 11 North, Range 15 East; and
• Section 34, Township 12 North, Range 15 East;
Montana Meridian.

The purpose of the MJRWS Phase 1 project is to provide safe and reliable drinking water to Harlowton, as well as approximately 40 rural users along the Phase 1 pipeline route. The project is needed because these communities and rural areas have poor quality of water and an unreliable supply of safe drinking water.

Explanation of the decision(s) that must be made regarding the proposed action (i.e. approve grant or loan and provide funding):

DNRC will approve the loan to provide funding for the Musselshell-Judith Rural Water System Phase 1 Project.

Criteria for Adopting Existing Environmental Review
☒The existing environmental review covers an action paralleling or closely related to the proposed action.
☒The information in the existing environmental review is accurate and clearly presented.
☒The information in the existing environmental review is applicable to the action being considered.
☒All appropriate Agencies were consulted during preparation of the existing environmental review.
☒Alternatives to the proposed action evaluated as part of the existing environmental review effort.
☒The impacts of the proposed action been accurately identified as part of the existing environmental review.
☒The existing environmental review identifies any significant impacts as a result of the proposed action and those identified will they be mitigated below the level of significance.

Adopt
The existing environmental review can be considered sufficient to satisfy DNRC's MEPA review responsibilities. No further analysis needed.

Existing Analysis Prepared By:	**Name:** Demitra Blythe	**Date:**	10/7/2021
	Title: CARD Division MEPA Coordinator		
	Email: Demitra.Blythe@mt.gov		

Approved By:	Name: Mark Bostrom		
	Title: CARD Division Administrator		
Signature:	DocuSigned by: Mark W Bostrom BF7A1C50B2AF4DE...	**Date**:	10/26/2021 | 4:01:58 PM MDT

DEQ
Montana Department
of Environmental Quality

FINDING OF NO SIGNIFICANT IMPACT
FOR
CENTRAL MONTANA REGIONAL WATER AUTHORITY
MUSSELSHELL-JUDITH RURAL WATER SYSTEM PHASE 1 PROJECT

TO: ALL INTERESTED PERSONS

Date:	February 10, 2019
Action:	Drinking Water System Installation Project
Location of Project:	Wheatland and Judith Basin Counties, Montana
DEQ/DWSRF Funding:	To be Determined
Total Project Cost:	Approximately $24,100,000 (in 2016 dollars)

An environmental assessment (EA) has been prepared by the Montana Department of Environmental Quality (DEQ) regarding construction of Phase 1 of the Musselshell-Judith Rural Water System (MJRWS) in Wheatland and Judith Basin Counties by the Central Montana Regional Water Authority (CMRWA).

The proposed action consists of the installation of approximately 24 miles of buried pipelines 8-inch and 16-inch in diameter, a disinfection building, and a partially buried 550,000-gallon ground level storage tank. The project will also include all associated valves, fitting, meters, controls, appurtenances and surface repair. The pipeline will extend from the Ubet wellfield northwest of Judith Gap to the existing Harlowton tank in the town of Harlowton, Montana and will be installed within or immediately adjacent to a county right-of-way along Old Gap Road or in or near utility easements on private property. This project is Phase 1 of the MJRWS and is intended to bring high quality drinking water to serve the town of Harlowton as well as rural residents along the pipeline route.

Based on the EA, the project is not expected to have any significant adverse impacts upon terrestrial and aquatic life or habitat, including endangered species, water quality or quantity, air quality, geological features, cultural or historical features, or social quality.

The DEQ utilized the following references in completing its EA for this project: (1) Musselshell-Judith Rural Water System – Central Montana Regional Water System Environmental Assessment dated July 2014 and prepared by Tetra Tech; (2) a Feasibility Report dated November 2014 and prepared by Great West Engineering; (3) a Design Report for Phase 1 of the MJRWS Project dated June 2019 and prepared by Great West Engineering; and (4) a review of potential contaminant sources for Phase 1 of the project completed by the source water protection section of MDEQ. In addition to these references, thirty-two entities that included cities, towns, and state and federal agencies were contacted regarding the proposed construction of the MJRWS. Response letters were received from MDEQ, MDT, SHPO, USACE, the City of Lewistown, Big Spring Creek Watershed Council, and Fergus Conservation District. These references are available for review upon request by contacting:

Sandie Koenig
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901
Phone (406) 444-6770
Email: sandie.koenig@mt.gov

Or:

Monty Sealey
Central Montana Regional Water Authority
34 3rd Ave. West
Roundup, MT 59072
(406) 323-6060
Email: cmrcd@midrivers.com

Comments on this finding or on the EA may be submitted to DEQ at the above address. Comments must be postmarked no later than 30 days after the date of publication of this FONSI in the newspaper. After evaluating substantive comments received, DEQ will revise the EA or determine if an Environmental Impact Statement is necessary. Otherwise, this finding of no significant impact will stand if no substantive comments are received during the comment period or if substantive comments are received and evaluated and the environmental impacts are still determined to be non-significant.

Signed,

Mark Smith, DWSRF Supervisor
Engineering Bureau

c: file

CENTRAL MONTANA REGIONAL WATER AUTHORITY MUSSELSHELL JUDITH RURAL WATER SYSTEM PHASE 1 PROJECT

ENVIRONMENTAL ASSESSMENT

I. COVER SHEET

A. PROJECT IDENTIFICATION

Applicant:	Central Montana Regional Water Authority
Address:	34 3rd Ave. West Roundup, MT 59072
Project Number:	EQ No. 20-1679

B. CONTACT PERSON

Name:	Monty Sealey, Project Administrator Central Montana Regional Water Authority
Address:	34 3rd Ave. West Roundup, MT 59072
Telephone:	(406) 323-6060

C. ABSTRACT

The Central Montana Regional Water Authority (CMRWA) is a public, non-profit organization consisting of a coalition of cities and towns in central Montana who have a long legacy of inadequate drinking water supplies. The CMRWA was legally created in 2005 as a public water authority in the state of Montana. The CMRWA is governed by a board of directors with members from the various communities to be served by the water system. The goal of the Musselshell-Judith Rural Water System (MJRWS) is to provide a reliable and adequate quantity of high quality drinking water for the member communities. The project consists of developing groundwater wells within the Madison Aquifer to supply water to each of the current seven-member communities (Hobson, Judith Gap, Harlowton, Lavina, Broadview, Roundup, and Melstone), as well as smaller communities and local users along the pipeline route.

An Environmental Assessment (EA) was published in July 2014 for all phases of this project as part of an effort to obtain approval from the Bureau of Reclamation to pursue federal authorization of the project. This EA focuses on Phase 1 of the project which includes the Ubet wellfield site, the Judith Gap Tank and the pipeline to Harlowton, MT. Communities in central Montana face challenges obtaining reliable, quality drinking water. Phase 1 of the project will specifically address water quality issues faced by residents in the town of Harlowton with wells that have high concentrations of total dissolved solids and sulfates that make water treatment challenging. In addition, rural customers along the route that have

water quality and/or quantity issues can also benefit from the proposed project.

The primary funding for design and construction of the MJRWS is expected to come from the federal government, the state of Montana, and the DEQ Drinking Water State Revolving Fund (DWSRF) loan program. Environmentally sensitive characteristics such as wetlands, floodplains, and threatened or endangered species are not expected to be adversely impacted as a consequence of the proposed project. No significant long-term environmental impacts were identified during the preparation of this document.

The DEQ Engineering Bureau has prepared this EA to satisfy the requirements of the National Environmental Policy Act (NEPA) and the Montana Environmental Policy Act (MEPA).

D. COMMENT PERIOD

Thirty calendar days.

II. PURPOSE AND NEED FOR ACTION

As described in the July 2014 EA (Tetra Tech, 2014), the purpose of this project is to provide a consistent and reliable source of high quality water to the communities in central Montana. Phase 1 will serve the town of Harlowton as well as rural residents between the wellfield site and the town. Harlowton's wells contain high concentrations of total dissolved solids (TDS) and sulfates with concentrations in two of the three wells that are at or exceed the secondary maximum contaminant limit (SMCL) established by the Environmental Protection Agency (EPA). In addition, one of the town's wells has been shown to produce water with high concentrations of black silt. Another well is threatened by a leaking underground storage tank. The third well had to be taken offline for a period of time in 2011 due to surface water flooding at the well site. The proposed Phase 1 project will provide Harlowton and the rural residents with a reliable, high quality source of drinking water over the 50-year planning period.

III. CONSIDERED ALTERNATIVES

The alternatives for addressing Phase 1 of the Musselshell-Judith Rural Water System (MJRWS) needs include:

A. NO ACTION

Under the no action alternative, the federal government would not provide funding for the MJRWS and it is likely that the water pipeline would not be constructed because the cost would render the project infeasible. The residents served by Phase 1 including the town of Harlowton would continue to receive water of inconsistent quality and quantity.

B. ACTIONS CONSIDERED BUT NOT PURSUED

Surface water source:

- Available surface water sources (streams, rivers, building dams) would require extensive treatment and would be cost-prohibitive. In addition, surface water within the Musselshell basin is generally closed for new development because there are no available water rights.

Centralized treatment for existing supplies:

- There is not an existing source of supply from a member community that can meet future demand for the regional water system.

Multiple water treatment facilities:

- The cost to treat existing supplies in multiple member communities would be cost-prohibitive. In addition, meeting future water demand would still be an issue if existing sources were used.

C. PROPOSED ACTION

The proposed water system for Phase 1 would provide water service for drinking, household, livestock, and yard irrigation (not crop irrigation) to the residents of Harlowton and individual rural users who are located along the pipeline route that elect to receive the service. The proposed infrastructure for Phase 1 includes:

- A new disinfection facility at the wellfield that will use chlorine gas
- A new 550,000-gallon water storage tank
- Approximately 24 miles of new transmission mains consisting of PVC and HDPE connecting the wells to the town of Harlowton
- Connecting rural customers to the new transmission main along the route to Harlowton

The new water supply well (Well #3) was drilled and developed prior to Phase 1.

D. TOTAL ESTIMATED COSTS

The total estimated cost of the proposed Phase 1 project is approximately $24.1M (in 2016 dollars). Financing for the entire project, including Phase 1, has not been finalized. It is anticipated that funding will include federal appropriations from Congress for 65 percent of the project cost, a state grant for 17.5 percent of the project cost, and a DWSRF loan for the remainder of the cost.

IV. AFFECTED ENVIRONMENT

A. PLANNING AREA

The planning area for Phase 1 of the MJRWS spans two counties beginning at the Ubet wellfield site and extending approximately 24 miles south to the existing Harlowton Tank in Harlowton, MT via a transmission main comprised of 8- and 16-inch PVC/HDPE pipe. The new Judith Gap tank, located southwest of the wellfield and approximately ¼ of a mile west of the transmission main, will float on the system to maintain adequate pressures and meet peak demands. Figure 1 shows the general location for infrastructure proposed in Phase 1 of the MJRWS project.

Figure 1. Location of infrastructure proposed for Phase 1 of the MJRWS

For Phase 1 of the MJRWS, county easements and private easements were obtained for the new building, tank, and transmission main.

B. POPULATION AND FLOW PROJECTIONS

The existing population estimated during planning for customers that will be served by Phase 1 (the town of Harlowton and rural areas of Wheatland County) was 1,123 persons and was based on the latest census data (2010 census). The annual growth rate over the life of the project (estimated at 50 years) for the area covered in Phase 1 is expected to be low (0.5 percent) and is based on past growth trends including previous census data. As such, the projected population for Phase 1 customers at buildout was expected to be 1,478 persons. However, the MJRWS Phase 1 Design Report (Great West Engineering, 2019) noted that fewer rural users have committed to the project than was originally assumed during planning and, as a result, the number of users expected at buildout is less than predicted.

For Phase 1, average day demand (ADD) at buildout is projected to be 145 gpm. ADD is based on the expected population at buildout (revised for less rural users) and the expected water usage of 153 gallons per capita per day (gpcd). This value differs from water usage data collected in 2013 which showed the average gallons per capita per day for member communities was 167 gpcd. When calculating ADD, the Feasibility Report (2014) justified the use of the lower water usage number based on factors that occurred after 2013 data were collected such as: the town of Harlowton installing customer meters and implementing a tiered rate structure to encourage water conservation; the exit of one community from the project that reported the highest annual water usage affecting the average usage rate for all member communities; and the assumption that implementing a metered rate for all customers in the system will encourage water conservation. As such, the Feasibility Report (2014) determined that using 153 gpcd to estimate ADD at buildout (and subsequent design of the system) was reasonable and conservative.

For Phase 1, the maximum day demand (MDD) of 510 gpm was calculated using a peaking factor of 3.5.

C. NATURAL FEATURES

Phase 1 of the MJRWS includes the area from the Ubet wellfield to the town of Harlowton. The project area is located within the Northwestern Great Plains Ecoregion, which is largely an unglaciated, semiarid and rolling plain that is underlain by shale, siltstone and sandstone. The predominant land use within the MJRWS project area is agriculture, both farming and ranching. Soils in this area are classified as primarily clayey loams, silty clay loams, and silty clays. No bedrock is expected to be encountered in the Phase 1 project area. The MJRWS wells located in the Ubet wellfield will access and deliver water from the Madison aquifer. The Madison Aquifer occurs primarily within the Mission Canyon

formation of the Madison Group. This group consists of the Lodgepole, Mission Canyon, and Charles Formations. The project area includes several wetlands but will not impact the many tributaries in the area. In addition, construction will not occur within the 100-year floodplain for Phase 1.

V. ENVIRONMENTAL IMPACTS OF PROPOSED PROJECT

A. DIRECT AND INDIRECT ENVIRONMENTAL IMPACTS

1. Land Use – Land use within the Phase 1 project area has relatively little diversity, as it is predominately agriculture. Dryland and irrigated farming and livestock grazing are the most common land uses within the project area. Pipeline and storage tank construction would temporarily disturb the land surface within the project area. Surface disturbance activities would be minimal and short-term and would have minimal impacts. The majority of the pipeline route will be within or immediately adjacent to the county right-of-way (ROW) (Old Gap Road) and private landowner easements in which land use opportunities to residents within the project area are limited; therefore, any restriction in surface or subsurface use associated with the pipeline would have a very minor and negligible effect on land use within the project area (Tetra Tech, 2014). The storage tank will require the purchase of approximately 2 acres of land from private landowners (Great West Engineering, 2014).

2. Floodplains and Wetlands – None of the project area lies within the 100-year floodplain. Wetlands occur within portions of the project area. Disturbance of wetlands would be avoided wherever possible. It is likely that wetlands may need to be crossed during pipeline construction and installation. When wetlands are identified as needing to be bisected by the pipeline, a complete wetland delineation by a qualified wetland biologist would occur. Any ground disturbing activities associated with the proposed action that would occur within a jurisdictional wetland would require a complete review from the USACE. A Section 404 permit would be submitted and compliance with any identified mitigation would occur. Any disturbed wetlands would be reclaimed as soon as possible, and stock-piled hydric soils would be replaced. Wetlands would also be restored to the previous contours. In addition, restored wetlands would be monitored for three-years after restoration to ensure reestablishment of functions and values. The proposed action would result in some disturbance of wetlands and temporary disturbance of wetland functions and values within those disturbed wetlands. However, due to the mitigation measures, it is expected that a relatively small area of wetlands would be disturbed. Implementation of post-disturbance mitigation measures would ensure that impacts are short-term (Tetra Tech, 2014).

3. Cultural Resources – It is unlikely that cultural resources would be located within the proposed route as much of the route would occur within a ROW that has been previously disturbed (Old Gap Road). In the event that a cultural resource is discovered during construction, activities in the discovery area will be suspended and Reclamation and any other appropriate authorities, including the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO), will be notified to determine the nature of the discovery. Depending on the nature of the discovery, additional cultural resource inventory and/or mitigation may be necessary. Due to implementation of mitigation measures, there are no foreseeable future actions that would result in adverse impacts to historical or cultural resources (Tetra Tech, 2014; Feasibility Report, 2014).

4. Fish and Wildlife – Land disturbance activities associated with transmission main installation would occur within a small area along the route (approximately 20 feet in width). In addition, the majority of Phase 1 construction and installation activities would occur within or immediately adjacent to a county ROW adjacent to Old Gap Road or in or near utility easements on private property.

   The distribution of wildlife is low within these areas relative to the region. However, construction activities would temporarily displace any present wildlife in the area of the activities. Disturbance and associated displacement would be brief and disturbed areas would be reclaimed and reseeded upon completion of construction and installation. Any wildlife displaced within a specific area during the pipeline installation phase would resume to normal activities upon completion of the activities. Regarding sage grouse, there is not a sage grouse habitat within or in proximity to the Phase 1 project area.

   Any perennial steam crossings encountered along the Phase 1 pipeline route will be bored under to protect fish habitat and water quality. Intermittent and ephemeral streams would be open-trenched, but only during times in which construction and reclamation can be completed prior to the presence of water within the stream (Tetra Tech, 2014).

5. Water Resources and Water Quality – CMRWA conducted extensive studies and research to address water resource concerns raised during planning, primarily overuse of the Madison Aquifer impacting neighboring communities. Studies showed the MJRWS would not negatively impact available water resources for neighboring communities and there were no objections for the water rights application for the wells for this project (Feasibility Report, 2014).

Impacts on water quality for wetlands and intermittent streams are expected to be minor and short-term during construction and can be controlled through proper construction practices.

6. Social and Economic Resources - Traffic and maintenance of traffic flow would be a high priority during construction activities within the Old Gap Road ROW. Disruptions of traffic would be kept to a minimum ensuring less than a 10-minute delay. All crossings or construction within the Old Gap Road ROW would require a permit or permission from the county agency; Pipeline design would ensure that any potential pipeline breaks would not endanger adjacent roads; and as the pipeline is developed, residents and landowners will have an opportunity to receive water from the supply system wherever it is feasible (Tetra Tech, 2014).

7. Soils and Vegetation - Some prime farmlands and farmlands of statewide importance may be disturbed during installation of the pipeline. However, over half of disturbed areas would occur within or immediately adjacent to county ROWs and would have relatively less value. These areas were likely previously disturbed and do not represent rare or sensitive vegetation communities. These areas would also be reclaimed as soon as disturbance activities were completed.

   The proposed action would have temporary impacts on vegetation. The disinfection building will be constructed next to Well #2 in an area where the ground has been previously disturbed. Still, vegetation will be removed near and in the building footprint. However, these impacts would occur over a relatively small area, disturbance would be kept to a minimum, and vegetation would be reseeded and restored where possible. Pipeline and storage tank construction and installation activities would remove vegetation along the pipeline route and storage tank footprint. However, sensitive plants such as sagebrush would be avoided whenever possible. All disturbed areas would be reclaimed and reseeded as soon as possible (Tetra Tech, 2014).

8. Environmental Justice – Environmental Justice Executive Order 12898: The proposed project will not result in disproportionately high or adverse human health or environmental effects on minority or low-income populations. The economic impact will ultimately affect all users of the system proportionately. No disproportionate effects among any portion of the community are expected.

B. UNAVOIDABLE ADVERSE IMPACTS

Short-term construction-related impacts such as traffic disruption will occur but can be minimized through proper construction management. No permanent direct, indirect, or cumulative adverse impacts are anticipated as a result of the proposed

MJRWS Phase 1 project.

VI. AGENCY ACTION, APPLICABLE REGULATIONS, AND PERMITTING AUTHORITIES

All water supply and conveyance infrastructure will be designed to meet DEQ requirements. Proper state regulatory review and approval of the project plans and specifications will be provided. All applicable local, federal, and state permits will be obtained.

Required County ROW Encroachment Permits, Railroad Crossing Easements, and private landowner easements have or will be obtained for Phase 1 of the project. In addition, permits for storm water, construction dewatering, and the Clean Water Act (404 Permit) and the County Weed Board Submission of a weed management plan have or will be submitted for Phase 1 of the project.

VII. PUBLIC PARTICIPATION

CMRWA holds board meetings every month for which the public is welcome to attend. The location of the meetings typically rotates between member communities, and maintains a consistent stream of communication to keep up with the current state of affairs. During the planning phase, CMRWA has also held advertised public meetings to inform the public and communities of the project and its status and progress.

VIII. REFERENCE DOCUMENTS

The following documents were used in the environmental review of this project and are considered part of the project file:

A. Great West Engineering. (2019). Central Montana Regional Water Authority – Musselshell Judith Rural Water System Phase I Design Report.

B. Great West Engineering. (2014). Musselshell-Judith Rural Water System Feasibility Report.

C. Tetra Tech. (2014). Musselshell-Judith Rural Water System – Central Montana Regional Water System Environmental Assessment.

D. Great West Engineering. (2010). Phase II Feasibility Report Musselshell-Judith Rural Water System.

E. Great West Engineering. (2009). Phase I Feasibility Report Musselshell-Judith Rural Water System.

IX. AGENCIES CONSULTED

Thirty-two entities that included cities, towns, and state and federal agencies were contacted regarding the proposed construction of the MJRWS. In addition, several agencies have worked with the CMRWA to determine feasibility and environmental implications including the Central Montana Resource Conservation District, the Department of Natural Resources, Fish, Wildlife, and Parks, and the Bureau of Reclamation. During the planning phase of the Regional system, the following entities provided written correspondence regarding the project:

A. The Montana Historical Society, State Historic Preservation Office (SHPO); letter dated November 30, 2010.

B. Montana Department of Transportation (MDT); letter dated December 20, 2010.

C. Montana Department of Environmental Quality (MDEQ); letter dated December 6, 2010.

D. City of Lewistown; letter dated December 29, 2010.

E. Big Spring Creek Watershed Council, Lewistown, Montana; letter dated January 25, 2011.

F. Fergus Conservation District; letter dated December 30, 2010.

G. The U.S. Army Corps of Engineers; letter dated December 16, 2010.

X. RECOMMENDATION FOR FURTHER ENVIRONMENTAL ANALYSIS

❑ EIS ❑ More Detailed EA X No Further Analysis

Rationale for Recommendation: Based on the Environmental Assessment (Tetra Tech, 2014), the Feasibility Report (Great West Engineering, 2014), other referenced documents which were developed for all phases of the MJRWS (see above), and the Phase 1 Design Report (Great West Engineering, 2019), the DEQ has verified through this EA that none of the adverse impacts of the proposed MJRWS Phase 1 project which includes installation of a storage tank, a disinfection building, and a transmission main that extends from the Ubet Wellfield to the town of Harlowton are significant; therefore, an environmental impact statement is not required. The environmental review was conducted in accordance with the Administrative Rules of Montana (ARM) 17.4.607, 17.4.608, 17.4.609 and 17.4.610. This EA is the appropriate level of analysis because none of the adverse effects of the impacts are significant. A Finding of No Significant Impact (FONSI) will be issued and legally advertised in the local newspaper and distributed to a list of interested agencies. Comments regarding the project will be received for 30 days before final approval is granted.

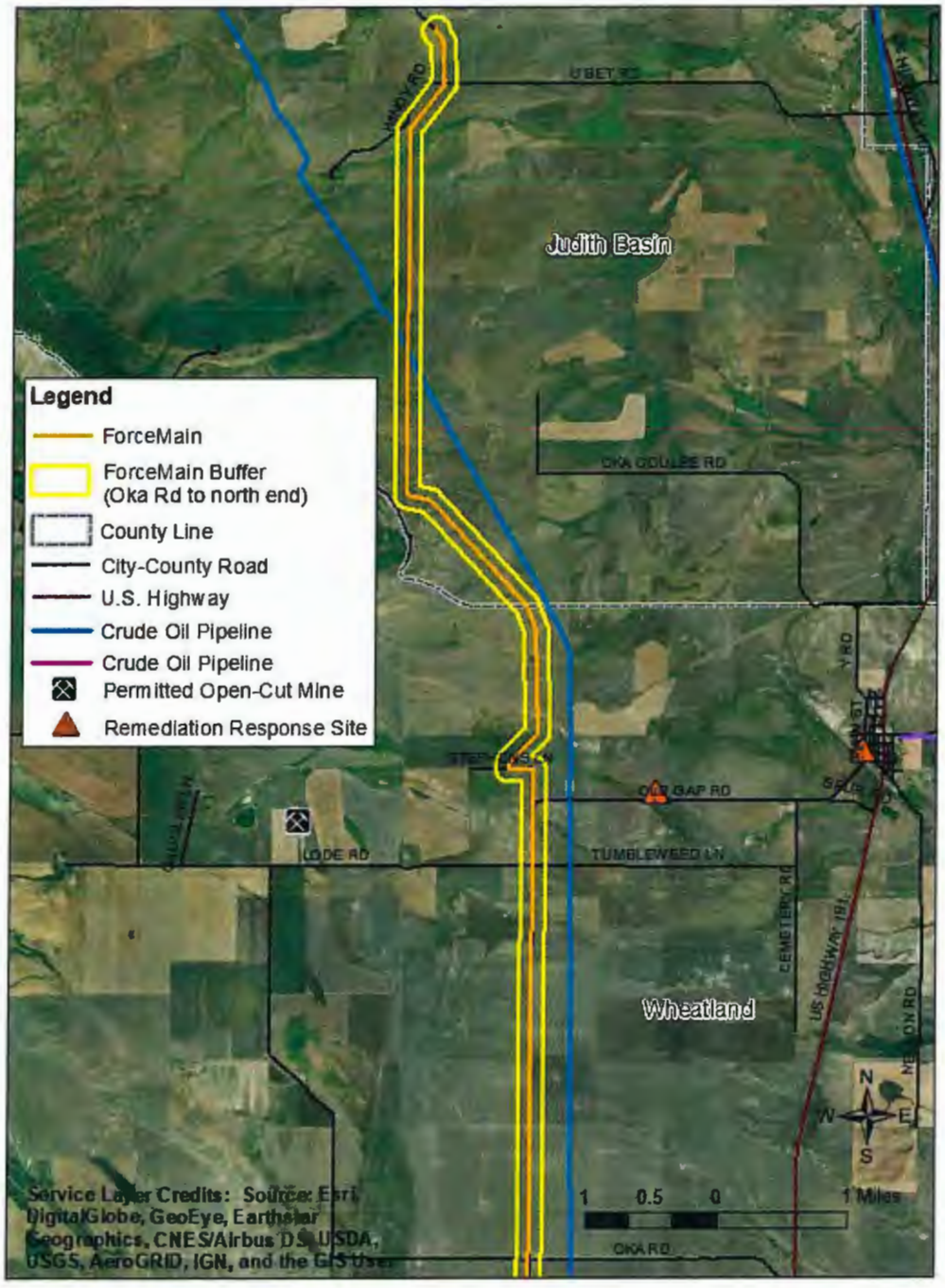
EA prepared by:

Sandie Koenig, P.E. — Date

Approved By:

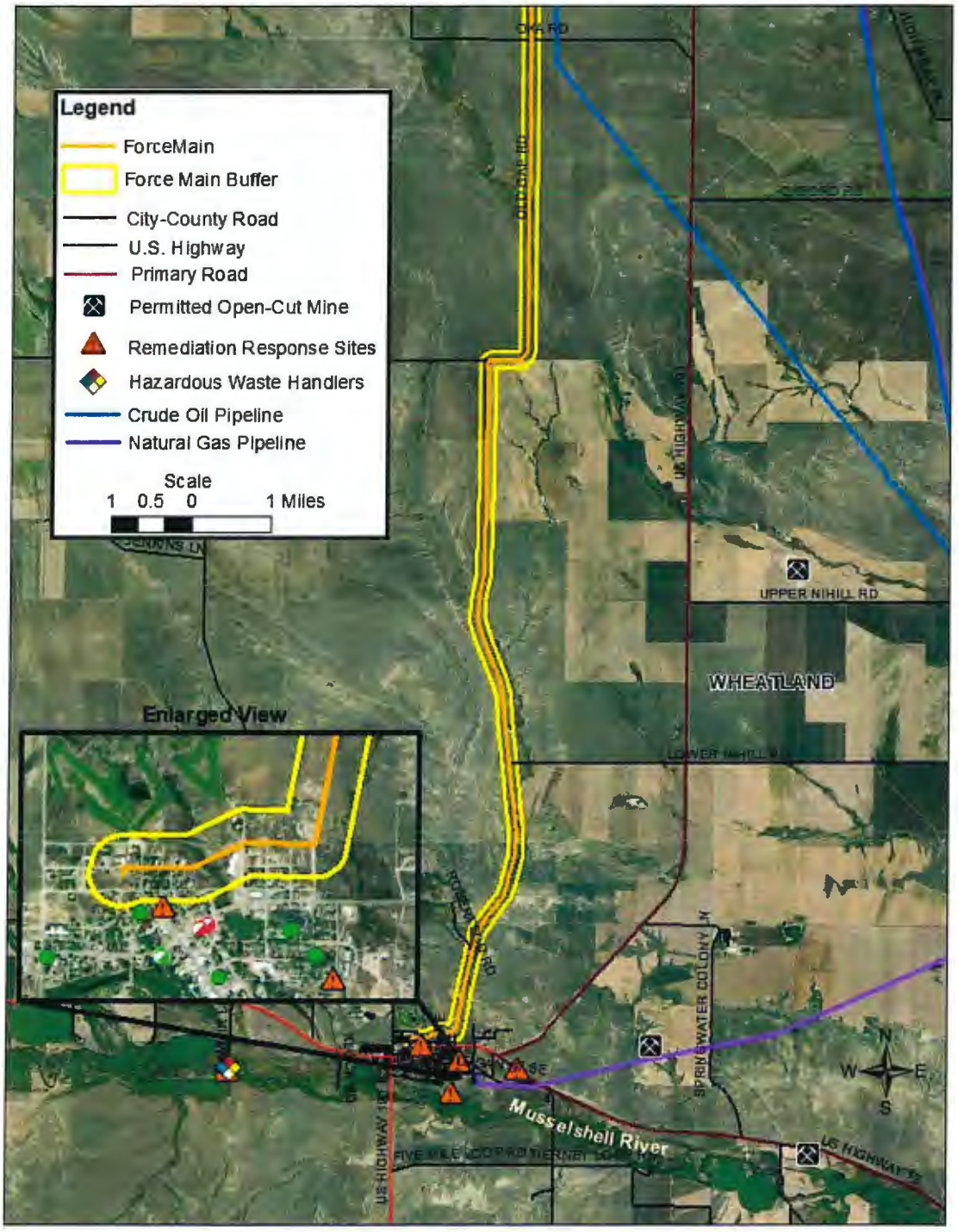
Mark Smith, P.E. — Date 2/6/20

Figure1. CMRWA Musselshell Judith Rural Water Authority (OKA Rd to north end)
Potential Contaminant Source Review



Mapping by Carolyn DeMartino, DEQ Water Quality Division, January 2020

Figure 2. CMRWA Musselshell Judith Rural Water System (S.W. end of main to OKA Rd)
Potential Contaminant Source Review



Mapping by Carolyn DeMartino, DEQ Water Quality Division, January 2020

ENVIRONMENTAL ASSESSMENT

Musselshell-Judith Rural Water System
Phase 1 Construction Project

Wheatland and Judith Basin County, Montana

March 2021

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

APPENDICES

LIST OF ACRONYMS & ABBREVIATIONS

CFR	Code of Federal Regulations
CMRWA	Central Montana Regional Water Authority
EA	Environmental Assessment
E.O.	Executive Order
EPA	Environmental Protection Agency
FONSI	Finding of No Significant Impact
HDD	horizontal directional drilling
MTDEQ	Montana Department of Environmental Quality
MTFWP	Montana Fish, Wildlife, and Parks
MTNHP	Montana Natural Heritage Program
MJRWS	Musselshell-Judith Rural Water System
NEPA	National Environmental Policy Act of 1969
NRCS	National Resources Conservation Service
RD	Rural Development
ROW	right of way
SCADA	Supervisory control and data acquisition
USACE	United States Army Corps of Engineers
USBR	United States Bureau of Reclamation
U.S.C	United States Code
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

Chapter 1
Purpose and Need for the Project

1.0 Introduction

The Central Montana Regional Water Authority (CMRWA) is a public, non-profit organization consisting of a coalition of cities and towns in central Montana with a long legacy of inadequate drinking water. The CMRWA was legally created in 2004 as a public water authority in the state of Montana and proposed the Musselshell-Judith Rural Water System (MJRWS) with the goal of providing a reliable and adequate quantity of high quality drinking water for the member communities.

The United States Department of Agriculture (USDA), Rural Development (RD) is a mission area that includes three federal agencies: Rural Business-Cooperative Service, Rural Housing Service, and Rural Utilities Service. The agencies have in excess of 50 programs that provide financial assistance and a variety of technical and educational assistance to eligible rural and tribal populations, eligible communities, individuals, cooperatives, and other entities with a goal of improving the quality of life, sustainability, infrastructure, economic opportunity, development, and security in rural America (USDA RD, 2016).

CMRWA is requesting funding from the Rural Utilities Service under the authority of the Federal Consolidated Farm and Rural Development Act as amended (Public Law 92-419). USDA RD State and Local offices administer water and waste-disposal loan and grant programs on behalf of the Rural Utilities Service. Financial assistance can include direct loans, guaranteed loans, and grants in order to accomplish program objectives. (USDA RD, 2016).

This Environmental Assessment (EA) evaluates the potential impacts of constructing Phase 1 of the MJRWS and has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality's Regulations (40 Code of Federal Regulations [CFR] 1500-1508). The EA provides sufficient information on the potential adverse and beneficial environmental effects to determine whether an Environmental Impact Statement is required. If the EA indicates that no significant impact is likely, then a finding of no significant impact (FONSI) would be signed.

1.1 Project Description

Phase 1 of the project consists of installing approximately 24 miles of water supply pipeline in Wheatland and Judith Basin Counties, Montana, to provide safe and reliable drinking water to the town of Harlowton and approximately 40 rural users, including households and livestock watering taps.

There will be four additional phases which will eventually supply water to communities to the east of Phase 1 in Golden Valley and Musselshell Counties as well as to the north further into Judith Basin County. When complete, the MJRWS is anticipated to serve up to 7,500 people over the 50 year planning period. The wells, disinfection building, water storage tank, and a portion of the distribution pipeline constructed in Phase 1, discussed in greater detail in Section 2.1, will serve all of the subsequent phases of the project as the infrastructure is sized for the system as a whole, not just for the residents and rural users to be served in Phase 1.

1.1.1 Project Location

Phase 1 of the MJRWS pipeline begins at an existing water storage tank site located within the town of Harlowton and ends at MJRWS Well #3 in Judith Basin County approximately 3.5 miles

west of Garneill, Montana (**Figure 1**). The Judith Gap Tank site is located on the eastern tip of the Little Belt Mountains northwest of the town of Judith Gap.

The legal description of the of the pipeline route, tank location, disinfection building, and well location includes portions of the following sections:

- Sections 2, 11, 14, 15, 22, Township 8 North, Range 15 East;
- Sections 2, 3, 10, 15, 22, 27, 34, Township 9 North, Range 15 East;
- Sections 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34, 35, Township 10 North, Range 15 East;
- Sections 3, 4, 9, 10, 15, 22, 26, 27, 34, 35, Township 11 North, Range 15 East; and
- Section 34, Township 12 North, Range 15 East;

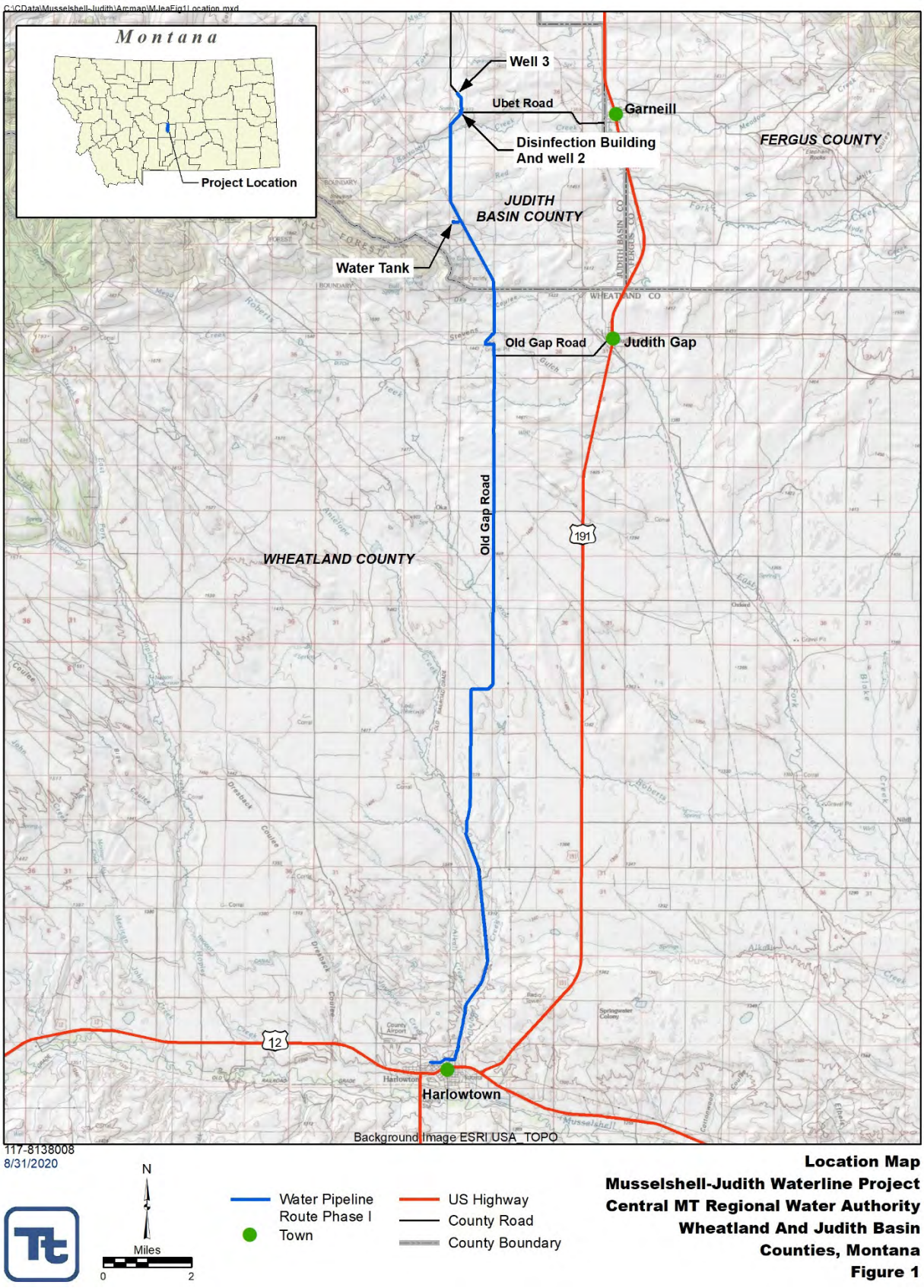
Montana Meridian.

1.1.2 Background

The CMRWA has conducted multiple environmental studies and the United States Bureau of Reclamation (USBR), United States Army Corps of Engineers (USACE), and Montana Department of Environmental Quality (MTDEQ) have conducted environmental reviews on MJRWS activities. The project history, environmental studies, and environmental reviews are summarized below and are available online at https://www.centralmontanawater.com/.

- 2004, Utica test well (Well #1) completed;
- 2005, testing of Well #1 completed;
- 2006, CMRWA water rights application for Well #1 and MOU between CMRWA and Montana Fish, Wildlife and Parks (MTFWP);
- 2007, CMRWA received a water right for 300 gallons per minute on Well #1;
- 2008, Town of Melstone, Preliminary Engineering Report for Water System Improvements;
- 2009, Phase 1 Feasibility Report evaluated and determined the preferred water supply and well field site for the project;
- 2010, CMRWA completed an Appraisal Report of the project which was approved by Reclamation in July of 2010;
- 2010, Phase 2 Feasibility Report (Great West Engineering, 2010b) examined and identified the preferred alternatives for infrastructure such as pipelines, storage, pumping, and controls;
- 2012, Ubet test well (Well #2) completed;
- 2013, CMRWA received a water right for 2,540 gallons per minute on Well #2;
- 2014, Feasibility Study Report/EA (USBR, 2014);
- 2015, Town of Broadview, Preliminary Engineering Report, Water System Improvements;
- 2015, Reclamation Feasibility Report (July 2015 Revision) (USBR, 2015). The feasibility report included a programmatic EA and non-decisional FONSI;
- 2017, Phase 1 Aquatic Resources Report (Tetra Tech, Inc., 2017a);
- 2017, Phase 1 Cultural Resource Report (Tetra Tech, Inc., 2017b);

Figure 1. Project Location



- 2018, Phase 1 Subsurface Exploration and Geotechnical Engineering Report (Terracon, 2018);
- 2019, Phase 1 Supplemental Aquatic Resources Report (Tetra Tech, Inc., 2019a);
- 2019, MJRWS Phase 1 Well #3 EA (USACE, 2019);
- 2019, MJRWS Well #3 completed and tested;
- 2019, FONSI and EA for Musselshell-Judith Rural Water System Phase 1 Project (MTDEQ, 2019); and
- 2020, Harlowton and Roundup, Preliminary Engineering Reports for Water System Improvements.

1.1.3 Previously Completed NEPA and Environmental Review Incorporated

This EA is tiered to the descriptions and environmental analysis contained in the feasibility report produced by the USBR (USBR, 2014; 2015). The feasibility report included a programmatic EA and non-decisional FONSI addressing the impacts for the entire water pipeline project. An important component of the EA were the recommended Environmental Commitments (see Scetion 0) for eliminating or minimizing impacts on resources. The 2015 feasibility report is incorporated by reference into this EA in accordance with 40 CFR 46.135 and available (along with associated documents) at: http://www.centralmontanawater.com/reports/2014-feasibility-report.

Well #3 was not included in the 2015 assessment and an EA was prepared for Well #3 by the USACE in 2019 (USACE, 2019), which is herein incorporated by reference.

An EA and FONSI was issued for Phase 1 plans and specifications by the MTDEQ in 2019 (MTDEQ, 2019), which is herein incorporated by reference.

An investigation of wetlands and waters of the United States within the area to be disturbed by the Phase 1 of the water pipeline was completed to identify potentially jurisdictional waters. Findings were reported in an aquatics report (Tetra Tech, Inc., 2017a). The report was submitted to the USACE, who determined that there were jurisdictional waters that may be affected and require a permit before any construction discharges materials into these waters (USACE, 2018a; USACE, 2018b). An additional investigation was performed for potentially jurisdictional wetlands and other waters of the United States within area to be disturbed by the Phase 1 water pipeline reroutes. Findings were reported in a supplemental aquatics report (Tetra Tech, Inc., 2019a).

A cultural resource survey was also conducted for Phase 1 of the project. A cultural resource report (Tetra Tech, Inc., 2017b) was submitted to the Montana State Historic Preservation Officer, who concurred with the determination that no adverse effects would occur (Montana Historical Society, 2017). The cultural report and the concurrence are incorporated by reference into this EA. An additional survey was conducted on May 17, 2019 (KFRA, 2019) and no cultural resources were found.

1.2 Purpose and Need For Action

The purpose of the MJRWS Phase 1 project is to provide safe and reliable drinking water to Harlowton, as well as approximately 40 rural users along the Phase 1 pipeline route. The project is needed because these communities and rural areas have poor quality of water and an unreliable supply of safe drinking water.

1.3 Permits, Licenses, and Other Authorizations Required

The required permits and plans include a Storm Water Discharge Permit and a Building Permit for the new disinfection building. Approval of the plans and specifications has been obtained from the MTDEQ (MTDEQ, 2019). Encroachment permits from both Wheatland and Judith Basin Counties have been obtained for work within or near the county roads. Additional permits may be required depending on funding mechanism.

1.4 Scoping/Public Involvement

CMRWA conducted public meetings and took public comment in 2010 during development of the 2014 EA. Additionally, the Phase 1 Design was reviewed and approved by the MTDEQ (MTDEQ, 2019), who advertised the review during their EA for 30 days to receive public comment. Resources and issues analyzed in the EA for the project were derived from regulatory requirements and environmental conditions that may be affected.

1.5 Contacting Tribes

On September 18, 2020, Great West Engineering mailed letters describing the project with a map and the cultural resources inventory (Tetra Tech, Inc., 2017b) asking for identification of specific historic properties or important tribal resources in the area of potential effects. The letter was sent to the following:

- Durrell Cooper, Chairman of the Apache Tribe of Oklahoma
- William Bigday of the Crow Tribe of Montana
- Michael Blackwolf of the Fort Belknap Indian Community
- Duane Reid, Tribal Historic Preservation Office, Little Shell Tribe
- Louise Dixey, Cultural Resources Director of the Shoshone-Bannock of the Fort Hall Indian Reservation
- Keith Baird, Tribal Historic Preservation Office, Nez Perce Tribe

No tribes identified traditional cultural properties or important tribal areas.

Chapter 2
Alternatives Evaluated Including the Proposed Action

2.0 Introduction

This chapter describes and compares the Proposed Action and alternatives considered for Phase 1. Only reasonable alternatives need be considered in detail, as specified in 40 CFR 1502.14(a). Reasonable alternatives must be those that are feasible, and such feasibility must focus on the accomplishment of the underlying purpose and need (of the applicant or the public) that would be satisfied by the proposed federal action. Issues identified during the scoping process and environmental commitments that will be implemented to avoid, mitigate, or monitor environmental impacts associated with the proposed action will also be discussed.

2.1 Proposed Action

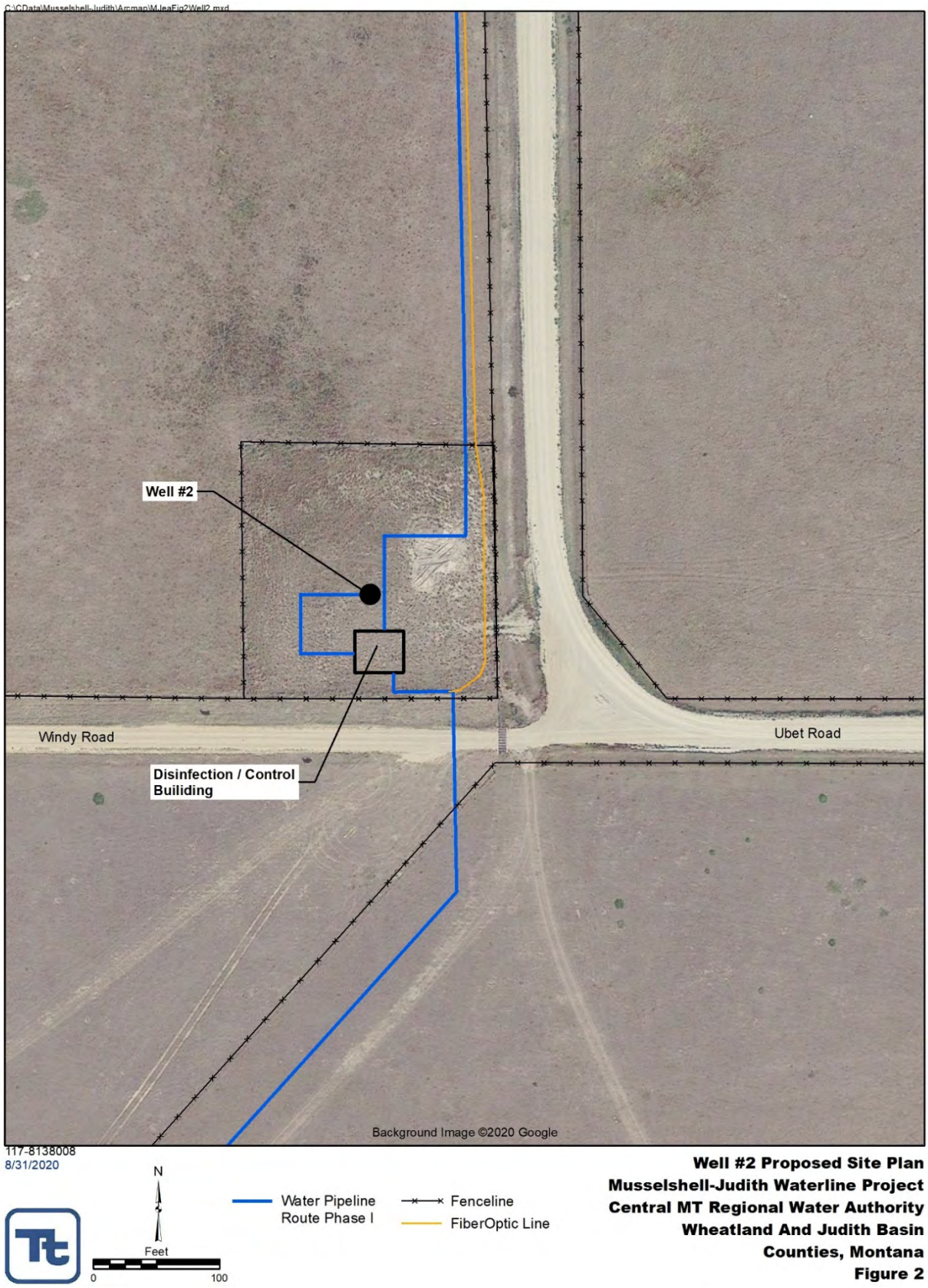
Phase 1 construction includes the following major infrastructure items:

- Disinfection building at MJRWS Well #2 site;
- Installation of MJRWS Well #3 pump, vault for a surge tank and small building for housing controls;
- Installation of powerlines to MJRWS Well #2 and Well #3;
- Judith Gap Tank (560,000 gallons);
- Supervisory control and data acquisition (SCADA) system;
- One pressure reducing valve;
- One altitude valve at the tank entry in Harlowton;
- Connection to the existing tank in Harlowton;
- Various rural connections between the disinfection building and Harlowton; and
- Approximately 24 miles of water transmission main;
    - Harlowton Branch Line (approximately 14 miles)
    - Judith Gap/Wellfield/Tank Line (approximately 10 miles).

2.1.1 MJRWS Well #2

Construction activities at the Well #2 site include building the disinfection building, connecting the site to power, and connecting the existing well to the new disinfection building via underground piping. No other construction activity related to Well #2 is planned. A site drawing indicating the connective piping and location of Well #2 is shown in **Figure 2**. To prepare the site for the disinfection building installation topsoil would be removed from the disinfection building area and stockpiled on site. The disinfection building area would then be excavated to the base of the footing prepare for the placement of a concrete foundation for the disinfection building. The disinfection building would be constructed using hollow concrete blocks (cinder blocks) and would measure approximately 43 feet in length, 34 feet wide, and the walls would stand ten feet tall. Utility trenches would also be excavated for the underground piping connecting the well to the disinfection building. Since the Well #2 site has previously been disturbed, all excavation and construction activities are limited to previously disturbed areas. Grading, surface restoration, and reseeding will be completed in all disturbed areas.

Figure 2. Well #2 Proposed Site Plan



2.1.2 MJRWS Well #3

Construction activities at the Well #3 site would include equipping of the well with a permanent pump and the installation of a vault for a surge tank, a small electrical building, and connective piping from the well to the disinfection building. To prepare the site for the vault and electrical building installation topsoil would be removed from the area and stockpiled on site. Since the Well #3 site was disturbed, all excavation and construction activities are limited to previously disturbed areas. All disturbed areas will be graded, surfaces restored, and reseeded.

The vault is a precast concrete cubicle that measures approximately 17 feet long and 13 feet wide. The vault is proposed to be installed below ground, the location will be excavated to a minimum depth of eleven feet and the area excavated would be large enough to accommodate the precast vault. The electrical building would be a shed type building measuring eight feet by twelve feet and standing eight to nine feet in height.

The electrical building would sit on a concrete slab that would be poured on site and require minimal excavation. Utility trenches would also be excavated for the underground piping connecting the well to the disinfection building. The well itself was constructed in 2019 therefore construction will be limited to that necessary for installation of the listed improvements. A site drawing and connective piping from the well to the disinfection building are shown in **Figure 3**.

2.1.3 Power Lines

Fergus Electric Cooperative, Inc. plans to install a few miles of three phase overhead power lines to connect the Well #2 and Well #3 sites to power. The new lines will either come from Buffalo, approximately 4.5 miles to the north, or from Garneill, approximately 3.5 miles to the east. The route of the new power lines will be determined by Fergus Electric Cooperative, Inc., who is in the process of discussing easements with landowners and the final route is not known.

2.1.4 Judith Gap Tank

The existing access road used by the utility company (Northwestern Energy) would be used to access the Judith Gap Tank site where a 560,000 gallon precast, prestressed concrete water storage tank is proposed to be installed partially below ground. The proposed tank site layout can be seen in **Figure 4.** Since the tank is precast oversized load permits would be acquired for transportation to proposed tank site. The tank has a diameter of 80 feet and the tank walls measure just over 15 feet high, a schematic drawing of the concrete tank is shown in **Figure 5.** To minimize the visual impacts the tank will be partially buried. To prepare the site for tank installation, approximately one acre would be cleared and 5 to 15 feet of topsoil removed and stockpiled on site. The width of the excavation would range from approximately 125 feet to 175 feet depending on the existing surface elevation.

A geotechnical site investigation was conducted for Phase 1 and reported in the Geotechnical Engineering Report (Terracon, 2018) along with geotechnical recommendations. It was recommended that the tank area be excavated to the base of the footing. The base should be excavated in a manner to limit disturbance to the sandy lean clay and/or weathered sandstone bearing surface. The bearing surface is assumed to be properly prepared sandstone bedrock or structural fill extending to the sandstone bedrock to provide a uniform bearing surface. Either structural fill or native material may be used for backfill material. Any native material to be used must meet the criteria as outlined in the geotechnical report (Terracon, 2018). Excavation will be limited to accommodate the tank and allow for sufficient working space to install the tank.

Figure 3. Well #3 Proposed Site Plan

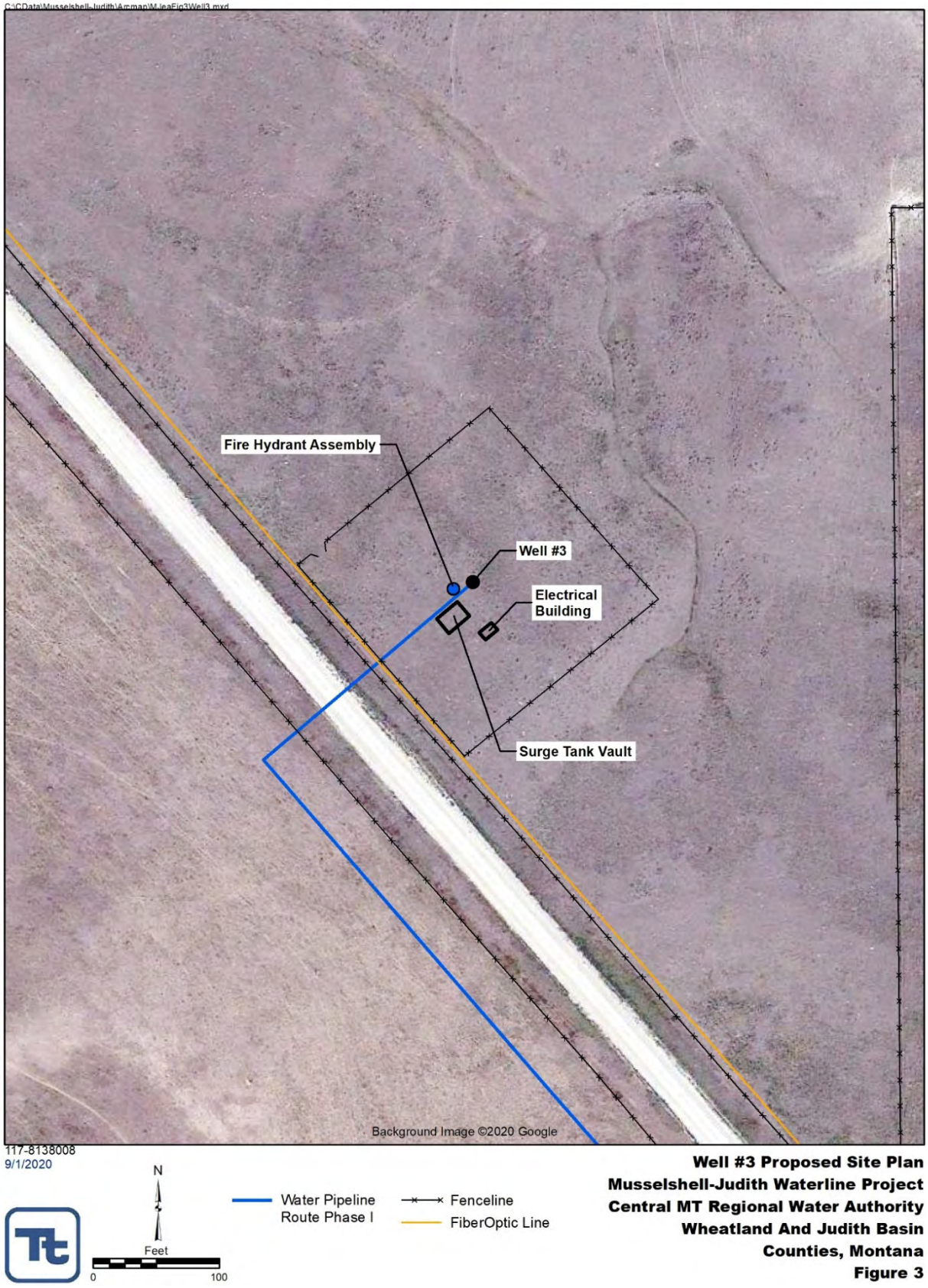


Figure 4. Proposed Judith Gap Tank Site

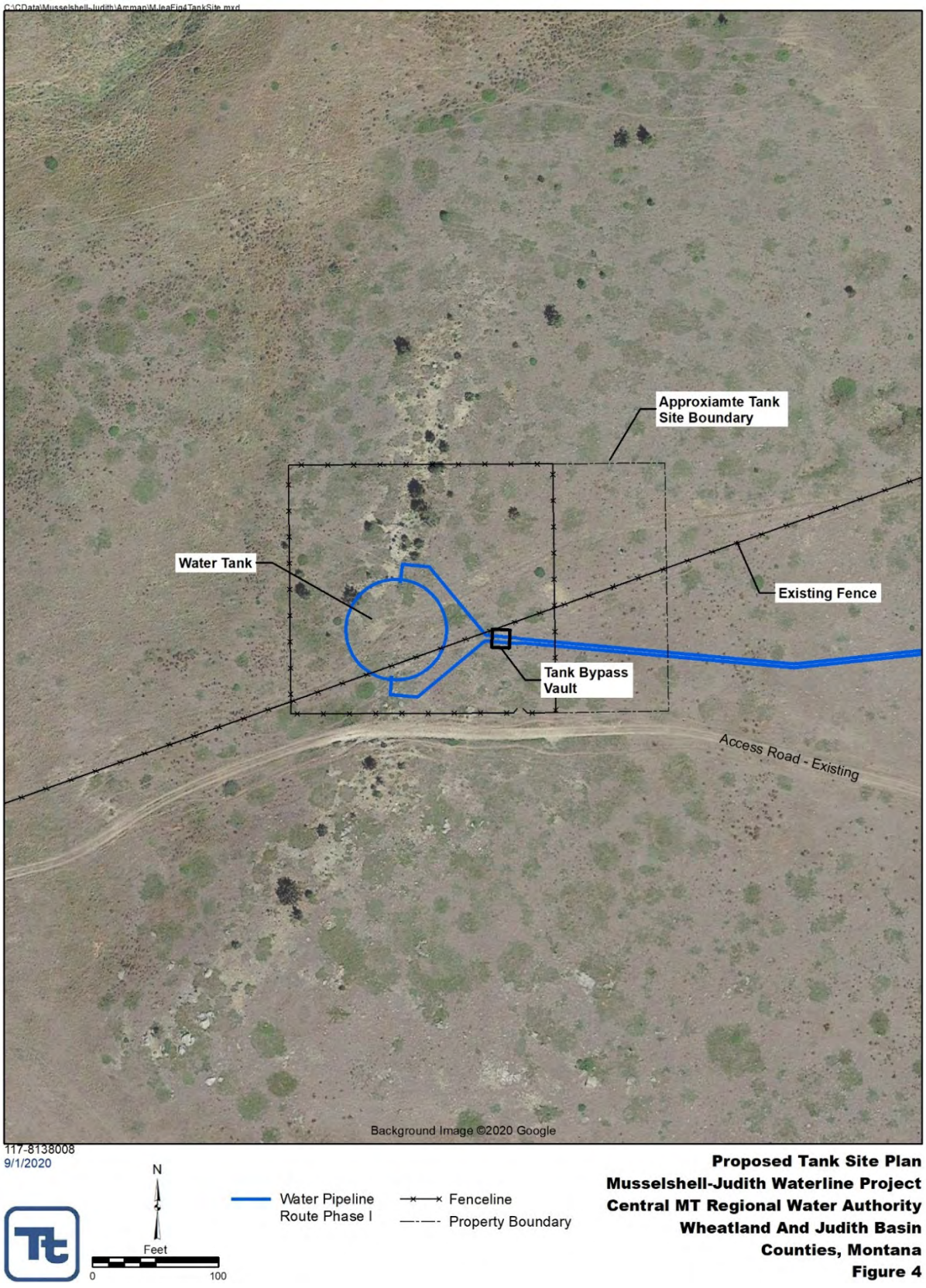
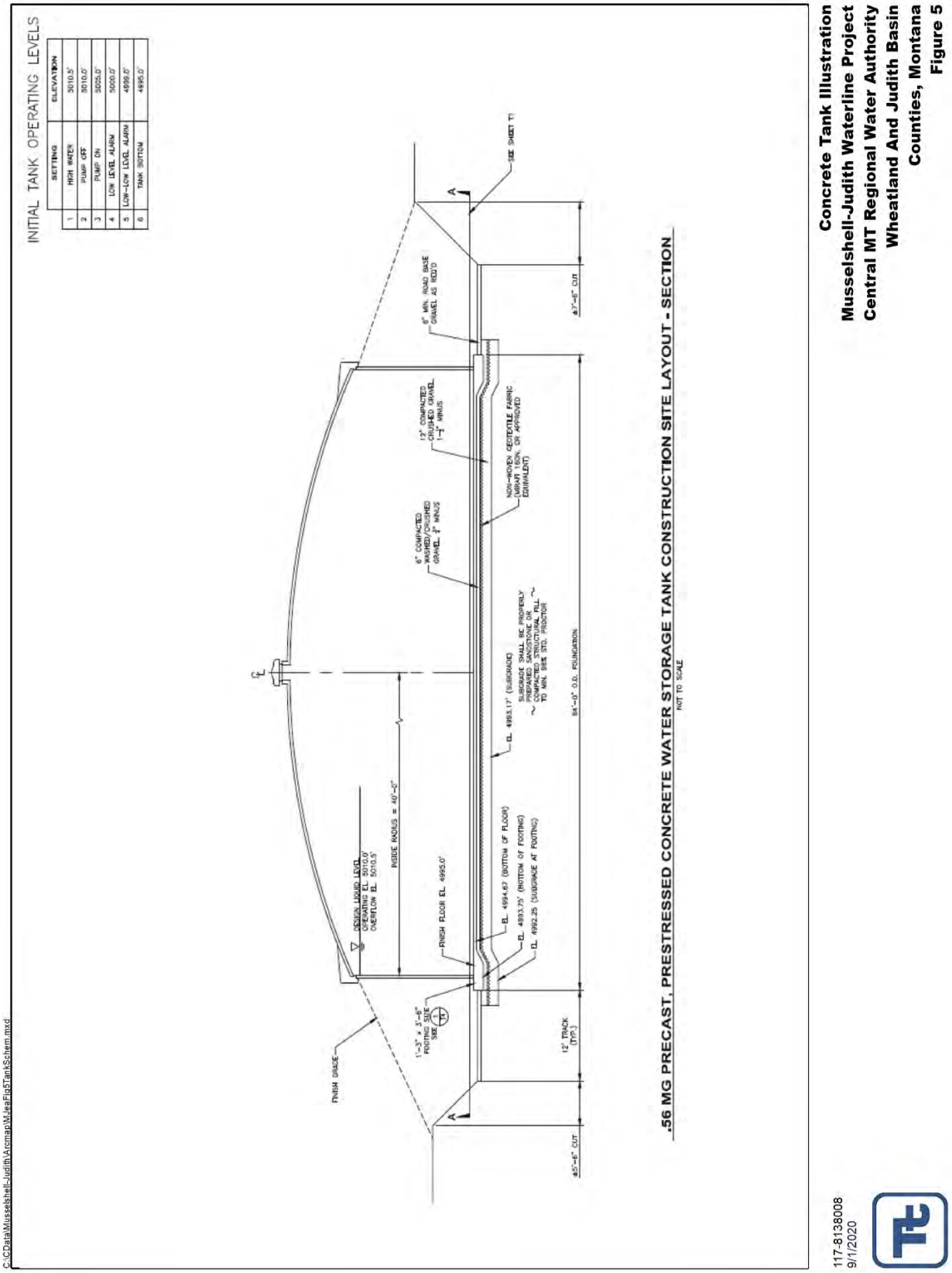


Figure 5. Concrete Tank Illustration



Approximately 820 linear feet of 6-foot chain link fence with a three strands of barbed wire on top will be installed around the perimeter of the site. A schematic drawing of the proposed fence is shown in **Figure 6**.

Grading, surface restoration, and reseeding will be completed in all disturbed areas. The final topography for the tank site is shown in **Figure 7**, as discussed above the sides of the tank will be below the ground and the domed tank top will be above ground. Weed control will be completed for the first year as a part of the construction contract, and subsequent years by the MJRWS staff.

2.1.5 Pipeline

Approximately 24 miles of new water transmission pipeline consisting of 8-inch and 16-inch PVC pipe would be installed at a minimum depth of 6.5 feet below ground surface pursuant to Montana Public Works standards.

Construction activities related to pipeline installation would include common trench installation of pipelines, plow installation of pipelines, horizontal direction drilling (HDD) under identified wetland areas and for the installation of culvert crossings, and the installation of appurtenant items on the main pipelines including blow offs, air release valves, and service connections. The HDD locations and length of pipeline to be installed via HDD is shown in **Figure 8**.

In addition to installation the water lines, new plastic conduit would be installed for a fiber optic communication system for automated control of the SCADA system. The conduit would either be installed in the same trench as the water line or plowed in slightly off to the side of the water pipeline.

Pipeline construction activities would occur within a 60 foot temporary construction easement. Upon completion of construction, a 30-foot permanent easement will remain for future maintenance of the water system. A short portion of the pipeline route and construction easement can be seen in **Figure 9**. All disturbed areas will be graded back to their original condition and surface restoration and weed control will be completed.

Figure 6. Security Fence Illustration

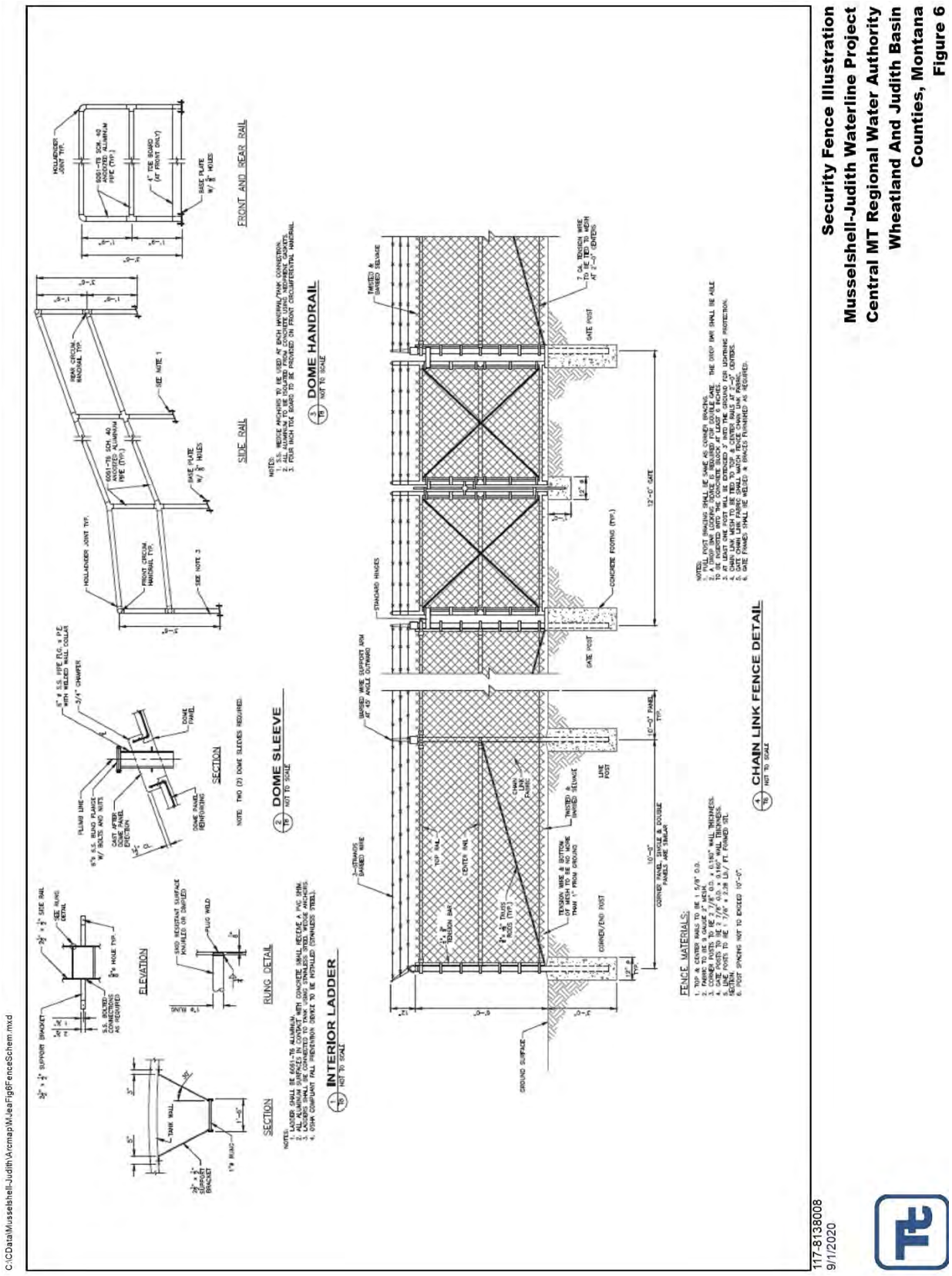


Figure 7. Final Tank Site Topography

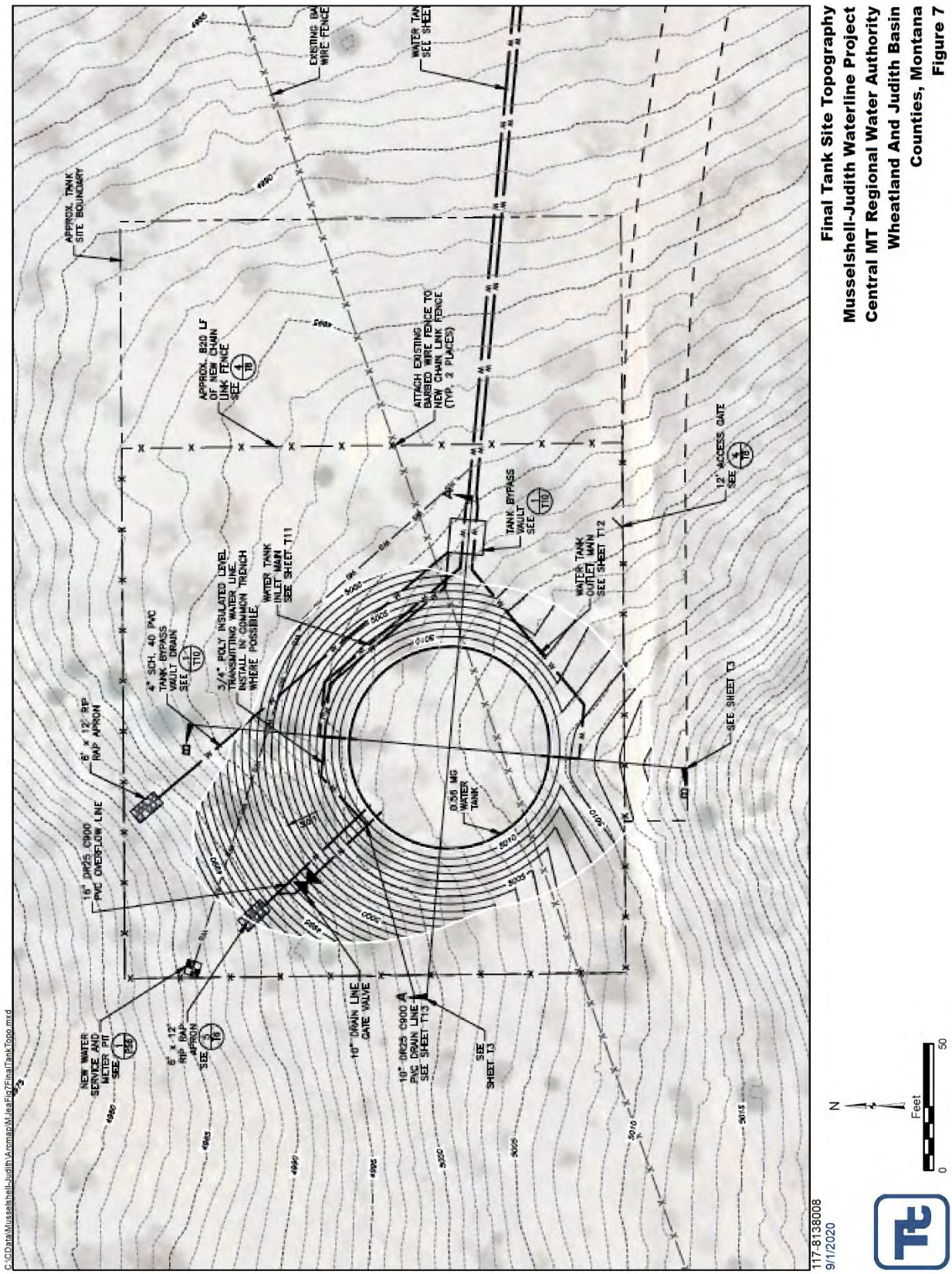


Figure 8. Horizontal Directional Drilling Locations

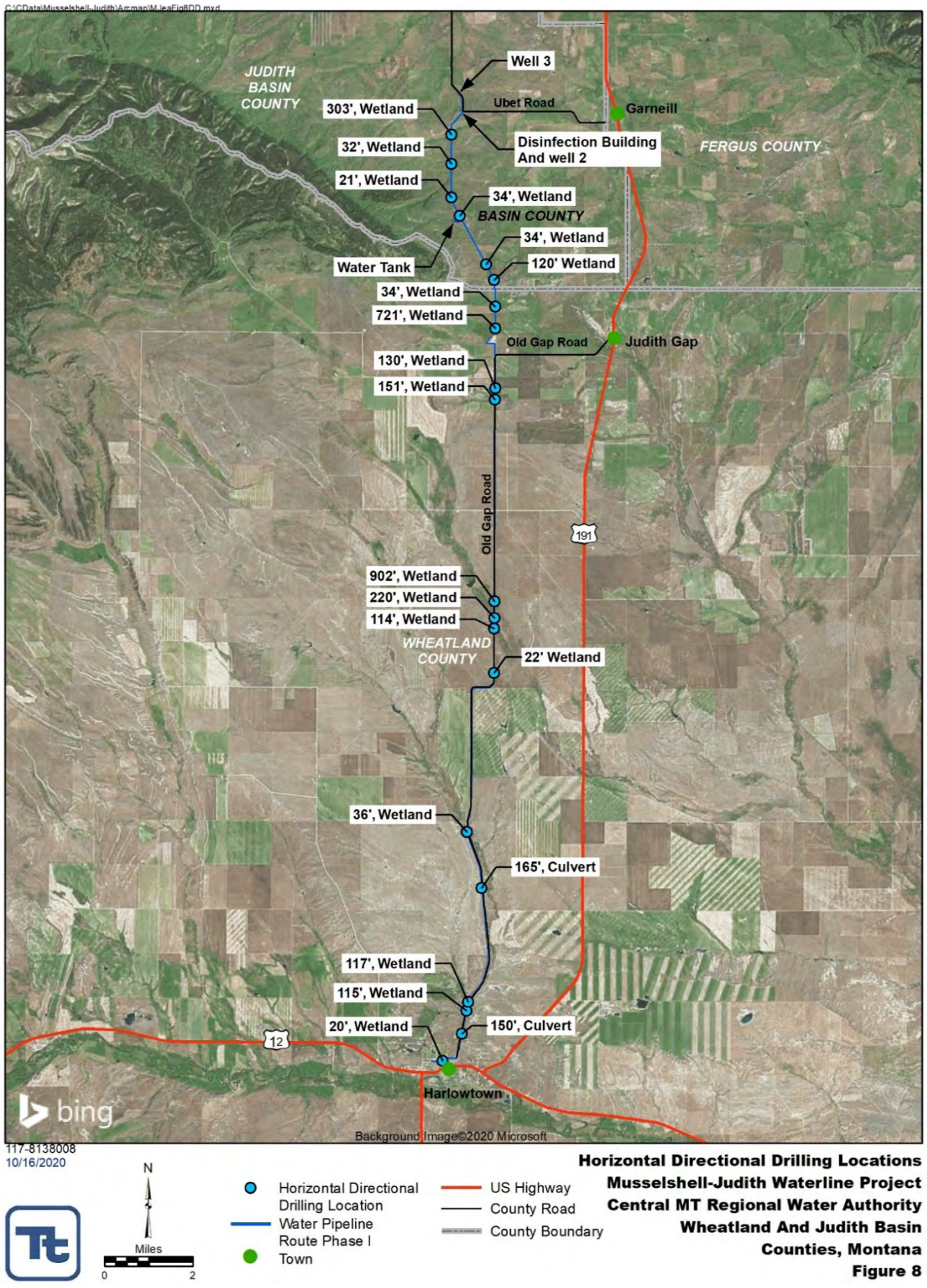


Figure 9. Construction Easement Illustration

2.2 Alternatives Considered but Not Studied in Detail

The feasibility of the MJRWS was assessed in a multi-year planning process including the completion of an appraisal report followed by a comprehensive feasibility report (USBR, 2014). The feasibility report assessed various alternatives for water supply and/or treatment, water distribution, water storage, serving multiple communities and rural users, as well as a no action alternative. The No Action alternative was not selected as the preferred alternative as it did not address the inadequate quantity and poor quality of water in the various communities.

Water Supply: Various alternatives of surface water, existing groundwater sources, and new source(s) of groundwater were explored for the MJRWS. A cost benefit analysis completed for each alternative clearly indicated that the development of a new source of water was the preferred alternative. Through the completion of three test wells, two of which are located at the selected wellfield site for the project, the preferred alternative selection was validated. The two wells located at the Ubet wellfield have been found to have both adequate quantity and quality of water. The selection of the new groundwater source alternative and the success of the test wells also ensures that no treatment of the water is necessary (beyond disinfection).

Water Distribution: The route of the distribution pipelines for the five planned phases of the project were analyzed in depth to consider cost, rights of way and easements, hydraulics, potential number of customers, and total length. Over twenty various pipeline routes were considered for the project as a whole. The Phase 1 portion of the distribution system route includes the portion of the wellfield extending to the south to Harlowton. The routes considered included both public and private land and various combinations of routes were analyzed. The final route was determined based on the commitments to connect to the system, easements obtained, and hydraulics.

Water Storage: The location of water storage for the Phase 1 portion of the system took into consideration the needs for Phase 1 as well as the needs for the project as a whole. The location of the storage tank for Phase 1 is located at the high point of the distribution pipeline and is sized to provide storage for the maximum day demands of the system at buildout (50 year design life for Phases 1 through 5 of the MJRWS). The analysis regarding what type of tank to be used included both on grade steel tanks as well as on grade or below grade concrete tanks. The life cycle cost analysis coupled with the low maintenance requirements of concrete tanks led to their selection as the preferred alternative. The analysis also took into consideration the possibility of freezing in the tank and its remote location, which led to the decision to partially bury the concrete tank.

Service Area: The service area of Phase 1 of the MJRWS is the area from the wellfield extending south to Harlowton. The number of rural users served between the wellfield and Harlowton is anticipated to be 40. The service area for the project will expand as each phase is constructed.

All of the alternatives considered, with the exception of the No Action alternative, would involve the same general level of construction requirements as the selected alternative. The feasibility report (USBR, 2015, p. 10) can be referenced for further details.

2.3 No Action

In the No Action alternative, Phase 1 of the proposed pipeline would not be constructed. Safe and reliable drinking water would not be provided to Harlowton or the 40 rural users along the

Phase 1 pipeline route. Harlowton and rural users would continue to have poor quality of water and continue to be faced with challenges in obtaining reliable, safe drinking water on an annual basis.

2.4 Summary of Direct and Indirect Effects

Table 1 represents a summary of the effects of implementing the alternatives. Chapter 3 discusses in detail the resources in the affected area and the impacts on each resource.

Table 1: Summary of Potential Effects by Alternative

Resource	Proposed Action	No Action
General Land Use	The proposed development would have no impact on land use within the project area. While a relatively small portion of land would be reserved for well development, Since the land for the Well #2 and #3 sites was acquired and disturbed previously further development will not significantly affect any land uses within these areas.	No Impact
Important Farmland	Approximately four acres of prime farmland, three acres of prime farmland if irrigated, 33 acres of farmland of statewide importance and 16 acres of farmland of local importance fall within the project area. The actual area disturbed would be much smaller and displaced soil would be backfilled over the trench immediately after the pipeline section was installed. Impacts would be minor and short-term.	No impact
Formally Classified Land	No formally classified lands exist in the analysis area. There would be no effect.	No impact
Floodplains	5,273 feet of pipeline would be in the 100-year floodplain. The proposed action would temporarily disturb the 100-year floodplain surface during trenching or plowing installation of 4,726 linear feet of the pipeline; whereas 547 linear feet of pipeline within the floodplain would be installed via HDD. Floodplain disturbance would be limited to smaller segments within the project area and the floodplain would be reclaimed to its original natural state.	No impact
Wetlands	No impact anticipated. Through proper pre-design delineation of wetlands and HDD under wetlands, impacts should largely be avoided.	No impact
Water Resources	Impacts would be minor and short-term. There would be no adverse impacts on water quality.	No impact
Fish	Mitigation measures would protect fish habitat from sediment and there would no impact on fish or their habitat.	No impact
Wildlife	Construction activities would temporarily displace any present wildlife, but wildlife would resume normal activities when construction was complete. Mitigation for power lines would avoid impacts on migratory birds.	No impact
Vegetation	Approximately 42 acres of pasture vegetation fall within the project area. The actual area of pasture vegetation disturbed would be much smaller and would be revegetated. There would	No impact

Resource	Proposed Action	No Action
	be a minor, short-term effect. There would be no impact on noxious weeds.	
Threatened and Endangered Species	No effect on Canada lynx or North American wolverine. May affect, not likely to adversely affect grizzly bear.	No impact
Historic and Cultural Properties	No impact anticipated. Through proper pre-design cultural resource surveys, impacts should largely be avoided.	No impact
Air Quality	There would be emissions from vehicles and equipment operating for one construction season. Emissions would be *de minimus*. Impacts would be negligible and short-term.	No impact
Socio-economics	Up to 50 people would be employed for one construction season. Completion of Phase 1 of the MJRWS would provide safe and reliable drinking water to an estimated 1,123 persons in the town of Harlowton and rural areas of Wheatland County for a minimum of 50 years (MTDEQ, 2019). The impacts would be long-term.	No impact. Long-term, Harlowton and rural users would be forced to haul water from outside sources or treat inadequate groundwater in the area for their drinking water supply
Noise	Noise would be generated during construction hours for a few days in any construction area. Noise may be heard at one elementary school if it is in session during construction in that area	No impact
Transportation	Local traffic would be increased temporarily. The construction or operation of the pipeline would not interfere with traffic, except for a few days in the area of 5th Street Northwest and Northeast in Harlowton.	No impact

Chapter 3
Affected Environment and Environmental Consequences

3.0 Introduction

This chapter describes the current conditions of resources that could be affected and presents the potential effects that the Proposed Action or No Action alternative are likely to have. The resources described in this section are those recognized by laws, executive order(s) (E.O.), regulations, and other standards of National, State, or regional agencies and organizations; technical or scientific agencies, groups, or individuals; and the general public.

The lead agency is required to disclose and consider the impacts on resources that may be affected. This chapter presents an analysis of each resource topic that was identified as having a potential to be affected by implementation of the Proposed Action. Each section describes the environmental setting as it relates to that specific resource topic, the effects that could result from implementation of the Proposed Action, and mitigation measures that would avoid, reduce, or compensate for substantial adverse effects of the Proposed Action.

Impacts are quantified whenever possible. Qualitative descriptions of impacts are explained by accompanying text where used. Also see **Table 1** for a summary of impacts by alternative, by resource.

“Significance” has been analyzed in this document in terms of both context (sensitivity) and intensity (magnitude and duration):

- Magnitude
    - No effect – resource not measurably affected;
    - Negligible – resource impacts may be measurable but would not be noticeable. Resources are still functional;
    - Minor – noticeable impacts to the resource in the project area, but the resource is still mostly functional;
    - Moderate – the resource is impaired, so that it cannot function normally; or
    - Major – the resource is severely impaired so that it is no longer functional in the project area
- Duration
    - Short-term – temporary effects caused by the construction and/or implementation of a selected alternative, including reclamation.
    - Long term – caused by an alternative after the action has been completed and/or after the action is in full and complete operation and reclamation, longer than approximately 1 year.

3.1 Land Use, Important Farmland, and Formally Classified Lands

3.1.1 General Land Use

3.1.1.1 Affected Environment

Land use within the project area has relatively little diversity, as it is predominately agriculture. Dryland and irrigated farming and livestock grazing are the most common land uses within the project area (USBR, 2014).

3.1.1.2 Proposed Action

The proposed development would have no impact on land use within the project area. While a relatively small portion of land would be reserved for well development, since the land for the Well #2 and #3 sites was acquired and disturbed previously further development will not significantly affect any land uses within these areas.

3.1.1.3 No Action

Under the no action alternative, land use would continue as it presently does and would not be impacted. The no action alternative would not result in any land use changes in the current agricultural practices or affect the small urban communities within the project area.

3.1.2 Important Farmland

3.1.2.1 Affected Environment

As part of the 1981 Farmland Protection Policy Act, the Natural Resources Conservation Service (NRCS) is required to classify farmlands as: prime farmland; prime farmland, if irrigated; statewide or locally important farmlands; or not prime farmland. Prime farmland, as a designation assigned by the USDA, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. State or local important farmland soils are those that fail to meet one or more of the requirements of prime farmland, but are important for the production of food, feed, fiber or forage crops. They include those soils that are nearly prime farmland and that economically produce high yields of crops when treated or managed according to acceptable farming methods.

Applicants for federally funded projects that may convert farmlands to nonagricultural uses must consult with a local NRCS office who will use, with Agency assistance, a numeric rating system called a land evaluation and site assessment process to rate, rank, and compare the site (and other alternative sites) on the basis of their agricultural value. NRCS has integrated and documents this analysis in NRCS's Form AD-1006, Farmland Conversion Impact Rating. If a particular site scores over 160 in NRCS's land evaluation and site assessment process, the Agency and applicant are encouraged to seek and use other sites where the agricultural value is less than a higher ranked site(s) (USDA RD, 2016).

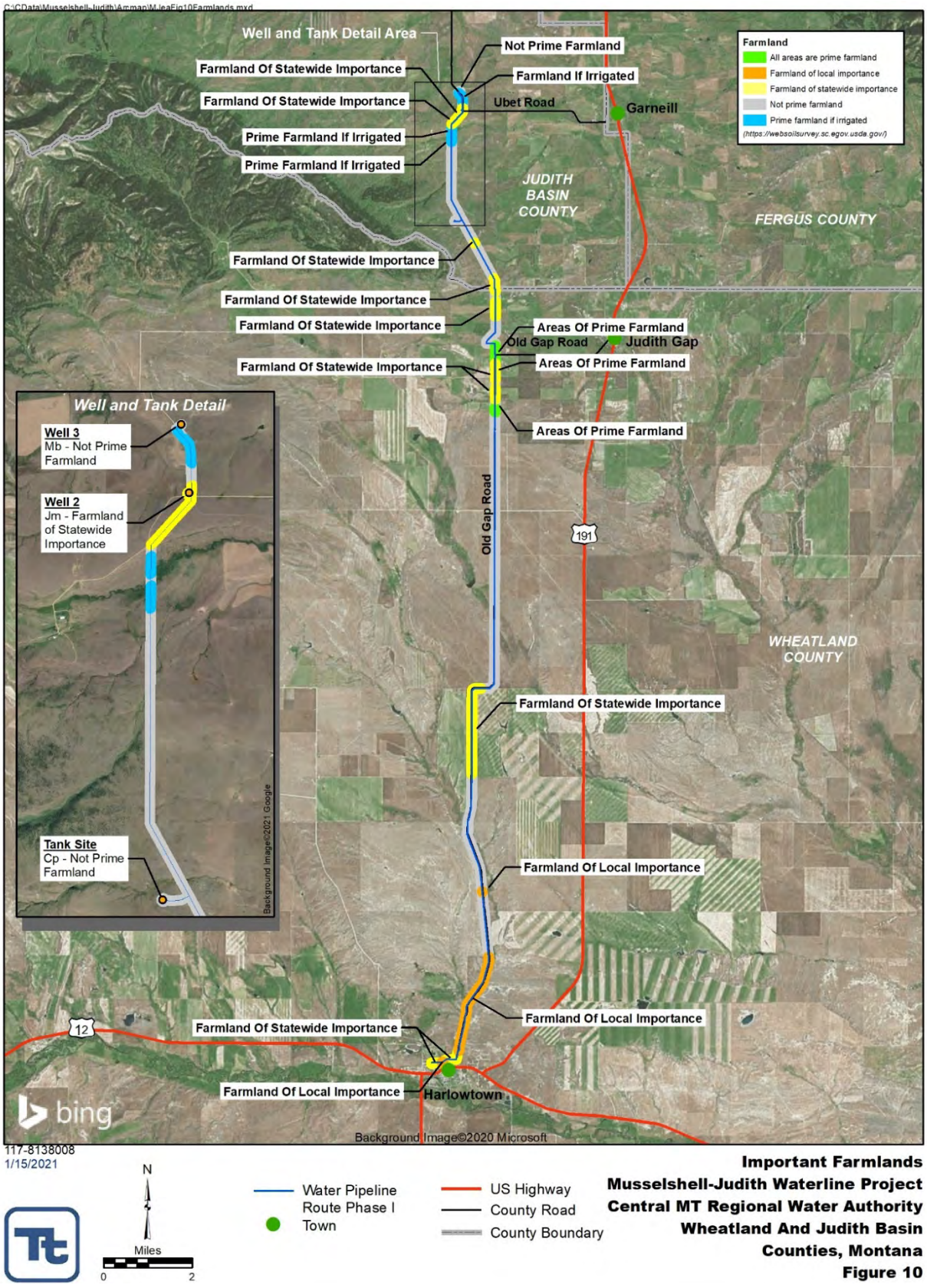
3.1.2.2 Proposed Action

The Judith Gap Tank site and Well #3 site are located on land classified as not prime farmland (Mb and Cp on **Figure 10**). Well #2 site is located on farmland of state wide importance (Jm on **Figure 10**). As stated in Sections 2.1.1 and 2.1.2, the Well #2 and Well #3 sites are both are disturbed and excavation and constructionwould be limited to previously disturbed areas.

Less than one mile of the pipeline would be within Harlowton city limits on farmlands of statewide and local importance. Approximately 17 miles of the Phase 1 pipeline would be constructed parallel to Old Gap Road between Harlowton and Judith Gap, small portions of this segment are on prime farmlands and farmlands of state and local importance.

North of Old Gap Road approximately six miles of the pipeline would be constructed in fields and pastures before reaching the Well #2 site. The majority of land along this section is classified as not prime farmland with small portions in farmlands of state importance. A 1.9 acre area just south of U Bet Road on each side of Borrows Creek is designated as prime farmland if irrigated. This small area represents approximately one percent of the total project area.

Figure 10. Important Farmlands within Project Area



Between the Well #2 and Well #3 sites 1.3 acres are designated as prime farmland if irrigated, this area makes up less than one percent of the total project area. Important farmlands within the project area are shown in **Figure 10** and **Table 2** summarizes the acres of farmlands within the project area. Since the project area includes a 30 foot construction easement buffer width on either side of the proposed trench the actual area of disturbance will be less than the acres in **Table 2**. CMRWA has acquired landowner permission for all disturbance areas and disturbance to farmlands would be minor and short-term.

Table 2. Acres of Farmlands within Project Area

County	Prime Farmland	Prime Farmland if Irrigated	Farmland of Statewide Importance	Farmland of Local Importance
Judith Basin	0	3.2	5.1	0
Wheatland	4.3	0	27.6	16.3
Total	**4.3**	**3.2**	**32.7**	**16.3**

Source: (NRCS, 2020)

USDA RD and NRCS completed the land evaluation and site assessment for the well house and disinfection/control building on October 14, 2020 (USDA RD & NRCS, 2020) and determined both sites scores are less than 160 points and need not be considered for further protection.

3.1.2.3 No Action

The no action alternative would have no impacts on prime and unique farmlands. Water extraction through private wells and surface disturbance to farmlands would continue at their present rate.

3.1.3 Formally Classified Lands

3.1.3.1 Affected Environment

There are specific land areas that have been accorded special protection through formal legislative designations and are either administered by federal, state, or local agencies, tribes, or private parties. These properties have been termed “formally classified lands”. These areas include, but are not limited to:

- National Parks and Monuments;
- National Forests and Grasslands;
- National Historic Landmarks;
- National Battlefield/Military Parks;
- National Historic Sites and Historical Parks;
- National Natural Landmarks;
- National Wildlife Refuges;
- National seashores, lake shores, and trails;
- Wilderness areas;
- Wild, scenic, and recreational rivers;
- State parks;
- State fish and wildlife management areas;
- Bureau of Land Management (BLM) administered lands; and

- Native American owned lands and leases administered by the Bureau of Indian Affairs (BIA).

There are no formally classified lands within the MJRWS Phase 1 project area.

3.1.3.2 Proposed Action

Since there are not any formally classified lands within the project area; the proposed action would have no impact on formally classified lands.

3.1.3.3 No Action

The no action alternative would have no impacts on formally classified lands.

3.2 Soil

3.2.1 Affected Environment

As discussed in Section 2.1.4 Terracon conducted a geotechnical site investigation which included drilling 21 exploration boreholes ranging from approximately five to fifty feet below the existing surface (Terracon, 2018). The geotechnical characterization derived from the exploration boreholes is summarized in **Table 3**. The upper strata, alluvial deposits of clay, silt, sands and gravels, vary from loose to dense for granular and soft to very stiff for cohesive soils. The natural moisture content, as shown on the boring logs, varied substantially, with the amount of fines within the deposit and the elevation of groundwater from 2 to 29 percent for granular soils and 6 to 27 percent for cohesive soils.

Table 3. Phase 1 Geotechnical Characterization

Stratum	Depth to Bottom of Stratum (feet)	Material Description	Consistency /Density
Topsoil	0.2 to 0.5	Topsoil: brown, friable and contained significant organic matter	N/A
Existing Fill	2 to 4 (Railroad Embankment near Judith Gap) 0.3 to 0.6 (adjacent Old Gap Road)	FILL; Silty GRAVEL with Sand/Silty SAND with Gravel; cinders and ballast on old Railroad Spur Alignment, base course gravels adjacent road in other locations	N/A
Upper Alluvial Clay	2.5 to 18	Lean CLAY/Sandy Lean CLAY/Lean CLAY with Sand/Silty CLAY; low to moderate plasticity, trace gravels, trace oxidation	Medium Stiff to Very Stiff
Alluvial Sand/Gravel	2.5 to 15.5	Clayey SAND/Clayey SAND with Gravel/Clayey GRAVEL/Clayey GRAVEL with Sand/ Silty SAND/Silty SAND with Gravel; low to moderate plasticity fines, trace oxidation, coarse-grained sands	Loose to Very Dense
Lower Alluvial Clay	9 to 19	Fat CLAY/Fat CLAY with Sand/Lean CLAY with Gravel/Sandy Lean CLAY; moderate to high plasticity, oxidized, shale inclusions, trace coal fragments	Medium Stiff to Very Stiff

Stratum	Depth to Bottom of Stratum (feet)	Material Description	Consistency /Density
Bedrock	Undetermined: Borings encountered bedrock between the depths of 2.5 and 19 feet below existing grade and were terminated within this stratum	SHALE/SANDSTONE; interbeds of shale and sandstone throughout the alignment, some coal layers were encountered near tank location; ingeneral, rock varied from poorly bonded/cemented to moderately well bonded/cemented, bedded, variable levels of oxidation, competency increases with depth	Very Soft to Hard Rock

Source: (Terracon, 2018, p. 4)

3.2.2 Proposed Action

The near surface, alluvial deposits are generally medium dense/medium stiff to dense/stiff soils with varying amounts of low plasticity fines within the surficial deposit. These soils could become unstable with typical earthwork and construction traffic, especially after precipitation events (Terracon, 2018). The installation of effective stormwater drainage systems would be completed early in the construction sequence and would be maintained after construction to minimize soil stability issues. Any grading activities performed would be performed during the warmer and drier time of the year to minimize possible undercutting and replacement of unstable soils. Disturbance areas would be kept to a minimum and displaced soil would be backfilled over the trench immediately after the pipeline section was installed; therefore, disturbed and exposed soil would be limited to smaller segments within the project area. Reclamation would occur as soon as possible upon completion of installation. Disturbance to farmlands would be minor and short-term and the mitigation measures outlined in Section 5.1 would avoid and minimize impacts.

3.2.3 No Action

The no action alternative would have no impacts on soils. The communities and residents within the project area would continue soil disturbance activities at the current rate and this would not be altered by the no action alternative.

3.3 Floodplains

3.3.1 Affected Environment

E.O. 11988 requires federal agencies to “avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative”. The order applies to all agencies that:

- Acquire, manage, or dispose of Federal lands and facilities;
- Undertake, finance, or assist construction and improvements; and
- Conduct activities and programs affecting land use, including planning, regulating, and licensing.

In accordance with guidelines prepared by the United States Water Resource Council to implement E.O. 11988 (U.S. Water Resources Council, 1978), proposals that propose to locate structures in the floodplain must evaluate whether there are practicable alternatives to locating the proposal in a floodplain.

Structures are defined as “walled or roofed buildings, including mobile homes and gas or liquid storage tanks that are primarily above ground” (U.S. Water Resources Council, 1978).

Approximately 5,273 linear feet of the proposed action would be within the 100-year floodplain as shown in **Figure 11.** This section of pipeline has no aboveground buildings or tanks that would meet the definition of a structure under E.O. 11988.

3.3.2 Proposed Action

As discussed above, 5,273 linear feet of the MJRWS Phase 1 pipeline lie within the 100-year floodplain. The proposed action would temporarily disturb the 100-year floodplain surface during trenching or plowing installation of 4,726 linear feet of the pipeline; whereas 547 linear feet of pipeline within the floodplain would be installed via HDD, therefore, the surface would not be disturbed in these areas. Disturbance areas would be kept to a minimum and displaced soil would be backfilled over the trench immediately after the pipeline section was installed; therefore, floodplain disturbance would be limited to smaller segments and the floodplain would be reclaimed to its original natural state.

3.3.3 No Action

The no action alternative would have no impacts on the floodplain. Water extraction through private wells and surface disturbance to the floodplain would continue at their present rate.

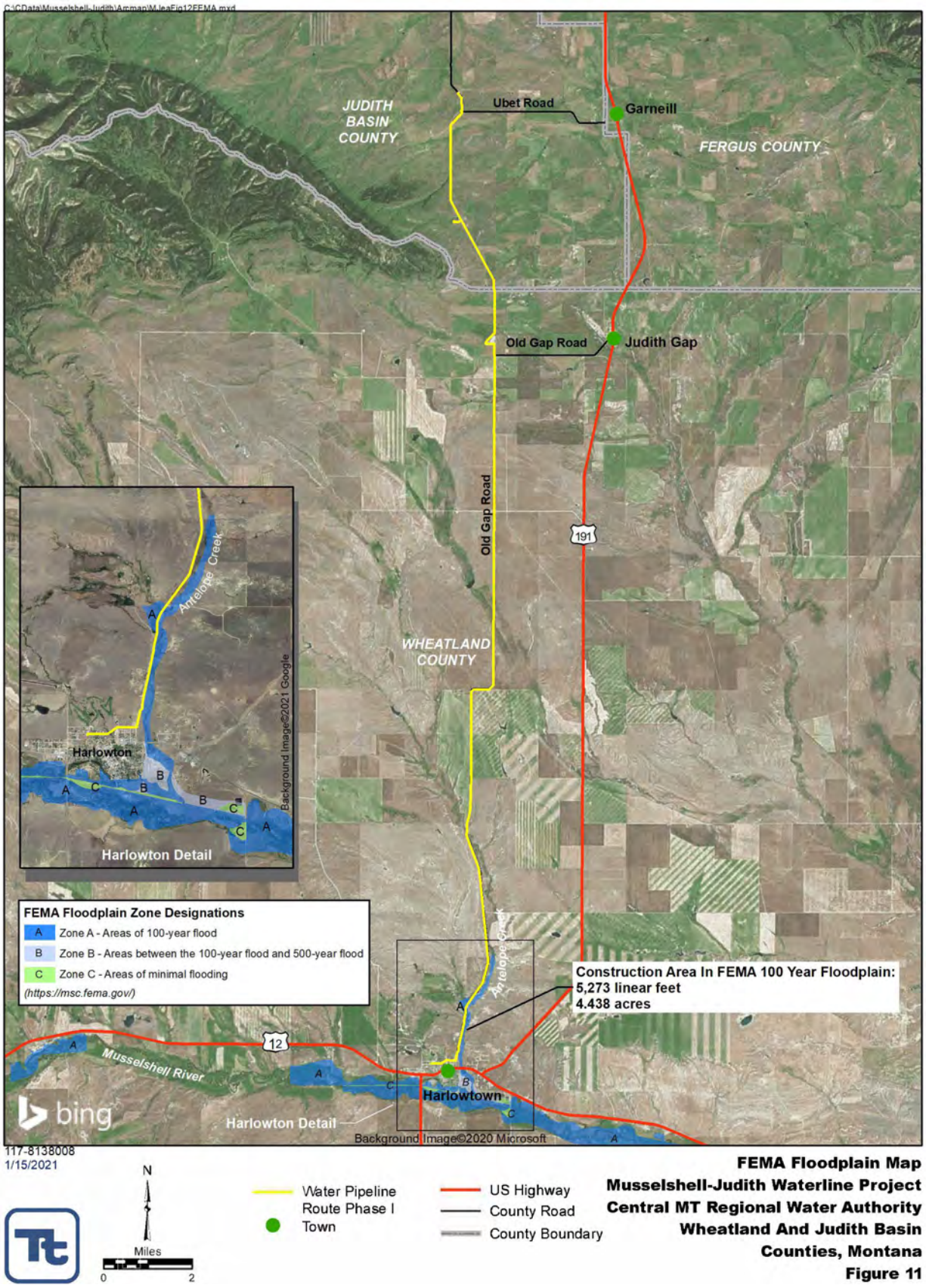
3.4 Wetlands

3.4.1 Affected Environment

The USACE and the Environmental Protection Agency (EPA) have defined wetlands as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions” (EPA, 2019). The USACE Regulatory Program regulates Section 404 of the Clean Water Act (33 U.S.C. §1251, et seq.) for permitting deposition or fill of waters of the United States and wetlands with a “significant nexus” to waters of the United States.

Two wetland delineations were performed within the project area in 2017 and in 2019 (Tetra Tech, Inc., 2017a; 2019b). The USACE was contacted regarding the status of the project in 2017 and responded with a Preliminary Jurisdictional Determination Letter dated January 4, 2018 (USACE, 2018a; 2018b) that acknowledges the findings of the two delineation reports.

Figure 11. FEMA Floodplain Map



Of the wetlands identified, 0.97 acres are Palustrine Emergent Persistent Temporarily Flooded wetlands, 0.13 acres are Palustrine Emergent Persistent Seasonally Saturated wetlands, 0.15 acres are Palustrine Scrub-Shrub Temporary Flooded wetlands, and 0.03 acres are Riverine Intermittent Streambed Seasonally Flooded wetlands. Many of these wetlands are in areas where roadside ditches intersect a small stream and the ditch becomes flooded upstream and/or downstream of the road (**Figure 12,** Wetlands 8, 9, 10, 12, 13, 18, 19, 20, 21, 48, 49, and 50). In many cases the project area crosses a stream or intersects a flooded depression but no road or other manmade crossing currently exists (**Figure 12,** Wetlands 2, 3, 4, 5, 6, 7, 14, 15, 16, 17, 22, 23, 24, 25, 26, 27, 42, 43, 44, 45, and 47). Three wetlands exist along a historic railroad grade that has artificially created a network of ponds and emergent wetlands (**Figure 12,** Wetlands 32, 33, 35). One wetland was temporarily impacted during the installation of Well #3 and was used as an outfall for discharge of well development water (**Figure 12**, Wetland 46).

3.4.2 Proposed Action

The proposed action would cause limited disturbance to some of the identified wetlands. While every effort would be taken to not disturb wetlands it is possible that nearby construction or under boring activities could cause negative impacts. Since construction for most of the project consists of trenching, it is possible that a failure in sediment control during a high intensity storm event may cause failures of the mitigation measures discussed in Sections 5.2 and 5.2. This could result in sediment laden surface runoff migrating into a jurisdictional wetland. Efforts to avoid impacts to wetlands would include the preparation of a Storm Water Pollution Prevention Plan that includes routine inspections and maintenance of best management practices, runoff sample collection where necessary, and the use of additional measures of erosion control should existing measures not be sufficient. While it is possible that nearby construction activities could impact wetlands, the risk is low for permanent damage to wetland condition. If a wetland is negatively impacted during construction, then three years of monitoring would be performed to evaluate the effectiveness of any restoration activities.

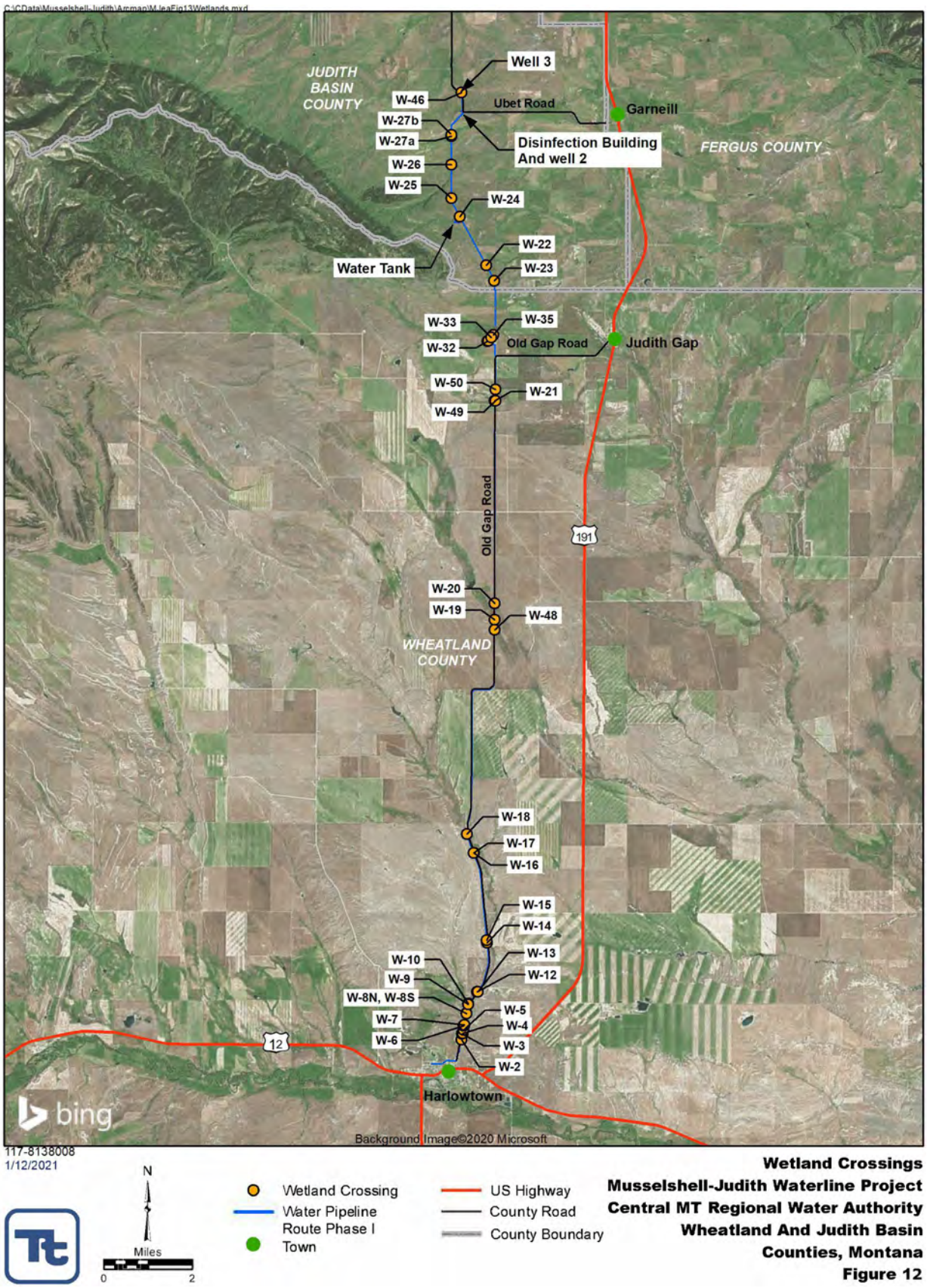
Another potential impact to wetlands from the proposed action is the leaking of drilling fluids from the under boring activities. Minimizing surface impacts is a priority for this project so in areas where wetland crossings cannot be avoided or a simple crossing structure is not practical, HDD techniques would be used to bore a large enough diameter hole beneath the wetland. These methods would use a bentonite or polymer-based slurry as drilling fluid. It is possible that these fluids may leak out of the borehole and rise to the surface adding contaminants to hydric soils, groundwater, or surface waters. The impacts to hydrophytic vegetation is unknown as it would depend on which species are present and their tolerance to fine grained clay.

On December 23, 2020, a joint application for proposed work in Montana's streams, wetlands, floodplains, and other water bodies was submitted to the USACE on behalf of the CMRWA. The USACE reviewed the application and determined the proposed action would not result in the discharge of dredged or fill material within waters of the United States and therefore a Section 404 permit was not required (USACE, 2021).

3.4.3 No Action

Without implementation of the proposed action, these wetlands would not be disturbed and there would be no effect on to hydric soils, hydrophytic vegetation, groundwater, or surface water.

Figure 12. Wetland Crossings within Project Area



3.5 Water Resources

3.5.1 Affected Environment

In accordance with the Clean Water Act (33 U.S.C. §1251, et seq.), States, Tribes, or the EPA must develop standards for their jurisdiction. Pursuant to the Clean Water Act, water quality consists of three components: 1) designated and existing uses, 2) water quality criteria necessary to protect these uses, and 3) an anti-degradation policy (40 CFR Part 131.6). Surface and groundwater water quality standards have been set forth by the Clean Water Act to include parameters such as pollutants, temperature and dissolved oxygen levels.

Section 10 of the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. §403) prohibits the building of any structures in, over, or under navigable waters of the United States and any excavation or filling activities that alter or modify the course, location, condition, or capacity of navigable waters of the United States unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army.

The project area occurs in two separate watersheds that are divided by a natural high point near Judith Gap. North of Judith Gap is part of the Judith River hydrologic basin and includes crossings at Ross Fork Creek. South of Judith Gap is part of the Upper Musselshell River hydrologic basin and includes crossings at Antelope Creek, Alkali Creek, Red Bluff Creek, and Roberts Creek. Total Maximum Daily Load planning documents exist for impaired streams throughout the State and are in various stages of development. No Total Maximum Daily Load document exists for the Judith River hydrologic basin, and the Total Maximum Daily Load for the Musselshell River hydrologic basin is still in the development stage (http://deq.mt.gov/Water/SurfaceWater/TMDL/tpamap).

Based on aerial photo interpretations approximately 317 lineal feet of stream lies within the project area. Since the project area includes a 30 foot construction easement buffer width on either side of the proposed trench it is much wider than the actual area of disturbance.

3.5.2 Proposed Action

The proposed action would include HDD beneath all streams and their associated wetlands. The HDD locations and lengths can be seen in **Figure 8**. Delineation boundaries from previous studies were used to identify the nearest upland location where drilling should start and stop. In addition, any servicing equipment would be located at least 250 feet from the edge of the channel to ensure that staging of supplies and support vehicles would not impact riparian areas. Drilling methods would include bentonite or polymer-based slurry as drilling fluid, which depending on soil types may rise to surface soils or soils in contact with surface water causing some minor turbidity impacts. These impacts would be minor and short-term as they would cease upon completion of drilling activities.

As discussed in Section 3.4.2, a joint application for proposed work in Montana's streams, wetlands, floodplains, and other water bodies was submitted to the USACE on behalf of the CMRWA. The USACE determined that the proposed action would not result in the discharge of dredged or fill material within waters of the United States and does not involve work in, over or under navigable waters of the United States; and therefore, neither a Section 10 or Section 404 permit are required (USACE, 2021).

3.5.3 No Action

Without implementation of the proposed action, surface disturbance would not occur, and there would be no effect on the quality or quantity of surface or groundwater, or aquatic life.

3.6 Biological Resources

3.6.1 Fish

3.6.1.1 Affected Environment

Fisheries habitat within the project area varies, although the majority of streams within the project area that have viable fisheries are tributaries of the Musselshell River or the Judith River. **Table 4** lists species that have distribution within the project area based on the MTFW Parks FishMT Survey and Inventory Data for Antelope Creek, Roberts Creek, and Ross Fork Creek (MTFWP, 2020).

Table 4. Fish Species with Potential to Occur within the Project Area

Common Name	Scientific Name	Common Name	Scientific Name
Brassy Minnow	*Hybognathus hankinsoni*	Mountain Sucker	*Catostomus platyrhynchus*
Brook Trout	*Salvelinus fontinalis*	Mountain Whitefish	*Prosopium williamsoni*
Brown Trout	*Salmo trutta*	Northern Redbelly Dace	*Chrosomus eos*
Common Carp	*Cyprinus carpio*	Northern Redbelly/ Finescale Dace	*Chrosomus neogaeus*
Flathead Minnow	*Pimephales promelas*	Rainbow Trout	*Oncorhynchus mykiss*
Flathead Chub	*Platygobio gracilis*	Rocky Mountain Sculpin	*Cottus bondi*
Lake Chub	*Couesius plumbeus*	Stonecat	*Noturus flavus*
Longnose Dace	*Rhinichthys cataractae*	White Sucker	Catostomus commersoni
Longnose Sucker	*Catostomus catostomus*		

Source: (MTFWP, 2020)

3.6.1.2 Proposed Action

As discussed in Section 3.5.2, the proposed action would not negatively impact water quality or water availability as the proposed action includes HDD beneath all streams and their associated wetlands. In addition, mitigation measures detailed in Sections 5.4.1 and 5.4.3 would protect fish habitat from sediments. These mitigation measures would ensure that the proposed action would not impact fish or their habitat.

3.6.1.3 No Action

The no action alternative would not entail any impacts on water resources, fish habitat or fish species. Disturbance to fish or their habitat would occur at present levels.

3.6.2 Wildlife

3.6.2.1 Affected Environment

The wildlife species present within the project area are representative for species found within the Northwestern Great Plains Ecoregion. The project area bisects two counties within central

Montana which is an area with an abundance of diverse wildlife species. This region offers a wide variety of both game and nongame species, including many migratory birds and raptors. In 2007, a survey was conducted along the preliminary proposed route the findings of which were presented in the Preliminary Environmental Screening (Tetra Tech, Inc., 2007). A list of wildlife species observed during the survey is shown in **Table 9** as well as the state status. Status determinations are made by Montana Natural Heritate Program (MTNHP) and MTFWP biologists in consultation with representatives of the Montana Chapter of the Wildlife Society, the Montana Chapter of the American Fisheries Socprocess for evaluating and assigning status designations uses the MTNHP ranking system which forms the basis for identifying Montana Species of Concern (MTNHP, 2021). Species are assigned numeric ranks ranging from 1 (highest risk, greatest concern) to 5 (demonstrably secure), reflecting the relative degree of risk to the species' viability, based upon available information (MTNHP, 2021). While the current proposed route differs in some areas from what was evaluated in the Preliminary Environmental Screening (Tetra Tech, Inc., 2007), the same habitats are represented along both routes; therefore, it can be assumed that the wildlife species would be consistent between the routes.

Table 5. Wildlife Species Observed during Field Surveys and State Status

Common Name	Scientific Name	State Status1,2
American Crow	*Corvus brachyrhynchos*	S5B
American Kestrel	*Falco sparverius*	S5
Badger (burrows)	*Taxidea taxus*	S4
Bank Swallow	*Riparia riparia*	S5B
Black-billed Magpie	*Pica hudsonia*	S5
Black-tailed Prairie Dog	*Cynomys ludovicianus*	Species of Concern[2], S3
Brewer's Blackbird	*Euphagus cyanocephalus*	S5B
Brown-headed Cowbird	*Molothrus ater*	S5B
Canvasback	*Aythya valisineria*	S5B
Common Raven	*Corvus corax*	S5
Golden Eagle	*Aquila chrysaetos*	Species of Concern[2], S3
Great Blue Heron	*Ardea herodias*	Species of Concern[2], S3
Horned Lark	*Eremophila alpestris*	S5
Killdeer	*Charadrius vociferous*	S5B
Mallard	*Anas platyrhynchos*	S5
Mountain Bluebird	*Sialia currucoides*	S5B
Mountain Cottontail Rabbit	*Sylvilagus nuttallii*	S5
Mourning Dove	*Zenaida macroura*	S5B
Mule deer	*Odocoileus hemionus*	S5
Northern Harrier	*Circus cyaneus*	S4B
Porcupine	*Erethizon dorsatum*	Potential Species of Concern[3], S4
Prairie Falcon	*Falco mexicanus*	S4

Common Name	Scientific Name	State Status1,2
Pronghorn	*Antilocapra americana*	S5
Raptor (unidentified)	--	--
Red-tailed Hawk	*Buteo jamaicensis*	S5B
Sandhill Crane	*Grus canadensis*	S5B, S2N
Sharp-tailed Grouse	*Tympanuchus phasianellus*	S4
Sparrow (unidentified)	*Emberizidae spp.*	--
Swainson's Hawk	*Buteo swainsoni*	S4B
Vesper Sparrow	*Pooecetes gramineus*	S5B
White-tailed Deer	*Odocoileus virginianus*	S5

Sources: (Tetra Tech, Inc., 2007)
1 Montana State Rank Definitions (MTNHP, 2021):
S3 – Potentially at risk because of limited and/or declining numbers, range and/or habitat, even though it may be abundant in some areas.
S4 – Apparently secure, though it may be quite rare in parts of its range, and/or suspected to be declining.
S5 – Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.
2Qualifiers
B – Breeding – Rank refers to the breeding population of the species in Montana. Appended to the state rank, e.g. S2B,S5N = At risk during breeding season, but common in the winter.
N – Nonbreeding – Rank refers to the non-breeding population of the species in Montana. Appended to the state rank, e.g. S5B,S2N = Common during breeding season, but at risk in the winter.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) implements four international conservation treaties that the United States entered into with Canada, Mexico, Japan, and Russia. The Migratory Bird Treaty Act prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service.

Table 6 lists species of migratory birds protected by the Migratory Bird Treaty Act that the MTNHP identifies as having the potential to occur within the project area (MTNHP, 2021).

Table 6. Migratory Bird Treaty Act Species with Potential to Occur within the Project Area

Common Name	Scientific Name	State Status1
Baird's Sparrow	*Centronyx bairdii*	S3B
Bald Eagle	*Haliaeetus leucocephalus*	S4
Bobolink	*Dolichonyx oryzivorus*	S3B
Brewer's Sparrow	*Spizella breweri*	S3B
Burrowing Owl	*Athene cunicularia*	S3B
Cassin's Finch	*Haemorhous cassinii*	S3B
Chestnut-collared Longspur	*Calcarius ornatus*	S2B
Clark's Nutcracker	*Nucifraga columbiana*	S3

Common Name	Scientific Name	State Status1
Evening Grosbeak	*Coccothraustes vespertinus*	S3
Ferruginous Hawk	*Buteo regalis*	S3B
Golden Eagle	*Aquila chrysaetos*	S3
Great Blue Heron	*Ardea herodias*	S3
Loggerhead Shrike	*Lanius ludovicianus*	S3B
Long-billed Curlew	*Numenius americanus*	S3B
McCown's Longspur	*Rhynchophanes mccownii*	S3B
Mountain Plover	*Charadrius montanus*	S2B
Northern Goshawk	*Accipiter gentilis*	S3
Pinyon Jay	*Gymnorhinus cyanocephalus*	S3
Sage Thrasher	*Oreoscoptes montanus*	S3B
Sprague's Pipit	*Anthus spragueii*	S3B
Veery	*Catharus fuscescens*	S3B

Sources: (Tetra Tech, Inc., 2007)
1 Montana State Rank Definitions (MTNHP, 2021):
S2 – At risk because of very limited and/or potentially declining population numbers, range and/or habitat, making it vulnerable to global extinction or extirpation in the state.
S3 – Potentially at risk because of limited and/or declining numbers, range and/or habitat, even though it may be abundant in some areas.
S4 – Apparently secure, though it may be quite rare in parts of its range, and/or suspected to be declining.
B – Breeding – Rank refers to the breeding population of the species in Montana. Appended to the state rank, e.g. S2B,S5N = At risk during breeding season, but common in the winter.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668-668c), as amended, prohibits anyone without a permit issued by the United States Fish and Wildlife Service (USFWS) from “taking” bald or golden eagles, including their parts, nests, or eggs. The Act provides criminal penalties for persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.” The Act defines ‘take’ as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.”

"Disturb" means: “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death or nest abandonment (USFWS, 2018).

3.6.2.2 Proposed Action

Land disturbance activities associated with the proposed action would occur within a small area along the route. The project area includes a 30 foot construction easement buffer width on either side of the proposed trench the actual area of disturbance would be much smaller. In addition, the majority of construction and installation activities would occur within or immediately adjacent to state and county rights of way (ROWs). These areas are adjacent to roads and receive regular disturbance due to traffic and road maintenance activities.

The distribution of wildlife is low within these areas relative to the region. However, construction activities would temporarily displace any present wildlife in the area of the activities. Disturbance and associated displacement would be brief and disturbed areas would be reclaimed and reseeded upon completion of construction and installation. Any wildlife displaced during the pipeline installation phase would resume to normal activities upon completion of the activities.

There is the potential for effects to migratory birds, bird species of conservation concern, and raptors associated with the installation of a few miles of three phase overhead power lines. As discussed in Section 5.4.1, all power lines would be constructed in compliance with the Avian Power Line Interaction Committee (APLIC) *Suggested Practices on Power Lines: The State of the Art in 2006* (APLIC, 2006) in order to avoid impacts to raptors. These mitigation measures would significantly decrease and avoid the potential effects on avian species.

3.6.2.3 No Action

The no action alternative would result in no impacts to wildlife species within the project area. There would be no change in water supply within the region, no disturbance associated with construction activities, and habitats and wildlife would not be disturbed or impacted by the no action alternative.

3.6.3 Vegetation

3.6.3.1 Affected Environment

The site is Great Plains mixed-grass prairie currently used for sheep grazing. Great Plains mixed-grass prairie is normally characterized by western wheatgrass (*Pascopyrum smithii)* as a dominant species with areas of mixed species composition of western wheatgrass and common shrub species such as silver sage (*Artemisia cana*), Wyoming big sagebrush (*Artemisia tridentata* var. *wyomingensis*), creeping juniper (*Juniperus horizontalis*), western snowberry (*Symphoricarpos occidentalis),* serviceberry (*Amelanchier alnifolia*), and shrubby cinquefoil (*Dasiphora fruticosa*) (MTNHP, 2020a). Areas that are used for grazing or farming often include non-native species such as Kentucky bluegrass (*Poa pratensis*) or crested wheatgrass (*Agropyron cristatum)* intermixed with western wheatgrass (MTNHP, 2020a). The county noxious weeds page for Judith Basin County lists one plant, yellow mignonette (*Reseda lutea*), as a noxious weed for this area (MTNHP, 2019).

3.6.3.2 Proposed Action

Approximately 42 acres of pasture vegetation lie within the project area. With implementation of the proposed action, the acres of the vegetation and or crops actually disturbed would be much smaller since the project area includes a 30 foot construction easement buffer width on either side of the proposed trench. Pipeline and storage tank construction and installation activities would remove vegetation along the pipeline route and storage tank footprint. As discussed in Section 5.4 sensitive plants such as sagebrush would be avoided whenever possible. Areas of

native grassland disturbed by construction activities would be reseeded with an approved native seed mix. All disturbed areas would be reclaimed and reseeded as soon as possible. As discussed in Section 3.1.2.2 the majority of disturbed areas associated with pipeline installation would occur within or immediately adjacent to state and county ROWs. These areas were likely previously disturbed and do not represent rare or sensitive vegetation communities. CMRWA has acquired landowner permission for all disturbance areas and disturbance to farmlands would be minor and short-term. it is much wider than the actual area of disturbance

Per Section 5.4 a weed control plan would also be developed and submitted to Judith Basin and Wheatland county weed districts prior to disturbance activities. These mitigation measures would significantly decrease the potential for new weed infestation associated with the proposed activities.

3.6.3.3 No Action

Without implementation of the proposed action, the current grassland vegetation would not be disturbed and there would be no impact on vegetation or weeds.

3.6.4 Threatened and Endangered Species

3.6.4.1 Existing Conditions

Section 7 of the Endangered Species Act (ESA) (7 U.S.C. § 136, 16 U.S.C. § 1531 et seq.) states that all federal departments and agencies shall, in consultation with the assistance of the Secretary of the Interior, ensure that any actions authorized, funded or carried out by them do not jeopardize the continued existence of any threatened or endangered species. A list of species by county was obtained from the U.S. Fish and Wildlife Service (USFWS, 2020).

For Wheatland and Judith Basin counties the Service lists these threatened, endangered, or candidate species:

- Canada lynx (*Lynx canadensis*),
- Grizzly bear (*Ursus arctos horribilis*),
- North American wolverine (*Gulo gulo luscus*), and
- Whitebark pine (*Pinus albicaulis*)

There are no crucial habitats within the project area (USFWS, 2019b).

Table 7: Federally-listed and Candidate Endangered and Threatened Species in the Project Area, Wheatland and Judith Basin Counties, Montana.

Status	Common Name (Scientific Name)	Likelihood of Occurrence	Preferred Habitat
Threatened	Canada lynx (*Lynx canadensis*)	Not likely	Boreal forest into subalpine forest along the North Cascade and Rocky Mountain ranges. Lynx are most likely to persist in areas that receive deep snow and have high-density populations of snowshoe hares, the principal prey of lynx (USFWS, 2019).
Threatened	Grizzly bear (*Ursus arctos horribilis*)	Likely. Two grizzlies were observed	In Montana, grizzly bears primarily use meadows, seeps, riparian zones, mixed shrub fields, closed timber, open timber, sidehill

Status	Common Name (Scientific Name)	Likelihood of Occurrence	Preferred Habitat
		together 32 miles away one time in 2017 (MTFWP and MTNHP, 2020)	parks, snow chutes, and alpine slabrock habitats (MTFWP, 2019).
Proposed Threatened	North American wolverine (*Gulo gulo luscus*)	Not likely	High-elevation alpine portions of Washington, Idaho, Montana, Wyoming, California, and Colorado. They prefer areas that are cold and receive enough winter precipitation to reliably maintain deep persistent snow late into the warm season. In the southern portion of the species' range where ambient temperatures are warmest, wolverine distribution is restricted to high elevations.
Candidate	Whitebark pine (*Pinus albicaulis*)	Not likely	High-elevation alpine forest.

3.6.4.2 Proposed Action

Because the preferred habitat for lynx and wolverine are not found near the project area and it is unlikely that lynx or wolverine use or pass through the project area, the proposed action would have no effect on Canada lynx and would be not likely to jeopardize the continued existence of North American Wolverine.

Construction and operations would cause short-term, one construction season, surface disturbance of grassland habitat. Because two grizzly bears were observed 32 miles from the site and they are a wide ranging species, it is possible that grizzlies may traverse the area. Grizzly bears are expected to avoid the area during construction activities due to the human disturbance. They may also avoid the area because the habitat is minimally important to support food sources during the fall when grizzly bears enter hyperphagia and shift foraging towards nuts and berries found in forest habitats (MTFWP, 2019). The habitat characterizing the project area is composed of mixed-grass prairie and grazing land not likely to sustain an abundant population of plant species producing nuts and berries. The presence of human activity in the area and proximity to Ubet Road would also decrease the likelihood of grizzly bears using the area during the project. For these reasons, the project may affect but is not likely to adversely affect grizzly bears. To lessen the potential impact on grizzly bears, **Appendix A** lists conservation measures for work in bear habitat with requirements for minimizing bear attractants in the area and other measures to reduce the likelihood of human-bear interaction. Reclamation would return the area to its current condition.

Table 8 summarizes the threatened, endangered, and candidate species in the area, and the effect determinations.

Table 8: Threatened and Endangered Species Effect Determinations

Common Name (Scientific Name)	Effect Determination	Reason for Determination
Canada lynx (*Lynx canadensis*)	No effect	Because the preferred habitat for lynx are not found near the project area and it is unlikely that lynx or wolverine use or pass through the project area.
Grizzly bear (*Ursus arctos horribilis*)	May affect, not likely to adversely affect	Project duration of one construction season in an area where grizzly bears are rare (one observation recorded 32 miles from the project area in 2017 (MTNHP, 2020b)).
North American wolverine (*Gulo gulo luscus*)	No effect	Because the preferred habitat for wolverine are not found near the project area and it is unlikely that lynx or wolverine use or pass through the project area.
Whitebark pine (*Pinus albicaulis*)	No effect	Alpine conditions to not occur in the project area.

3.6.4.3 No Action

Without implementation of the proposed action, no ground disturbance or noise and human activity disturbance would occur that would affect threatened, endangered, or candidate species.

3.7 Historic and Cultural Properties

3.7.1 Affected Environment

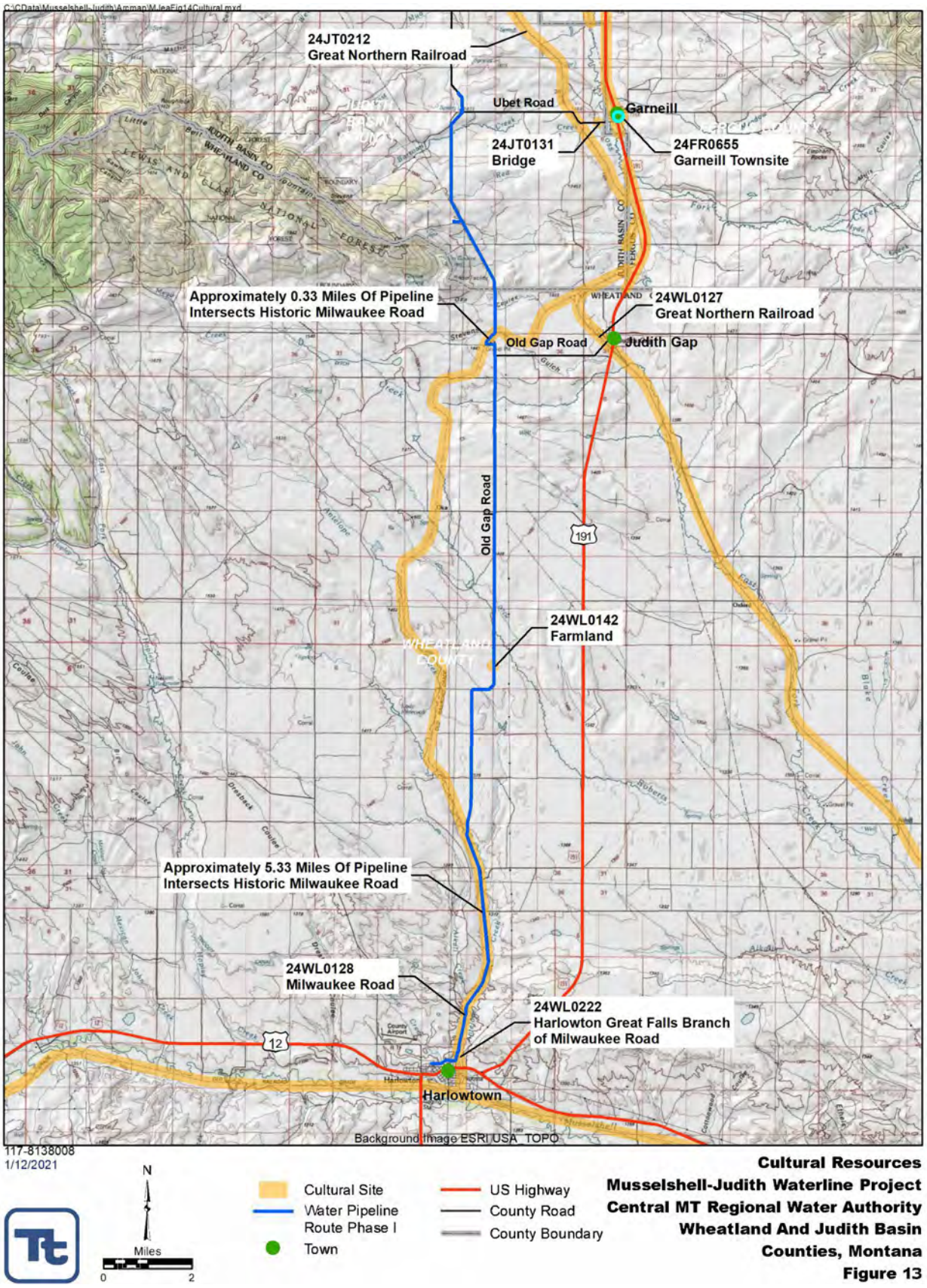
An intensive pedestrian inventory of the pipeline corridor was conducted for Phase 1 in 2017, the results of which were reported in a cultural resource report (Tetra Tech, Inc., 2017b), and is summarized in this section.

There is one cultural resource site within the project area, Site 24WL128 (**Figure 13**) which is the Chicago, Milwaukee, Saint Paul and Pacific railroad, commonly known as the Milwaukee Road, in Wheatland County. Approximately five miles of the southern segment lies within the project area. Most railroad features were removed when the company ceased operations in 1980; however, the grade is still evident as it generally rises two to four feet above the surrounding landscape. The southern segment of railroad grade runs beside Old Gap Road and proximity to this county road has resulted in more railroad bed disturbances.

Cultural resource site 24WL142 (**Figure 13**) is a possible farmstead that consists of two depressions and an earth mound. An initial record search indicated this site was inside the pipeline corridor, however, the 2017 inventory relocated the two depressions and determined these features lie outside the pipeline corridor (Tetra Tech, Inc., 2017b).

A field survey of the Well #3 site and pad area was conducted in May 2019 and found no cultural resources (USACE, 2019).

Figure 13. Cultural Resources within Project Area



3.7.2 Proposed Action

Under the proposed action, approximately five miles of the water pipeline would be buried within the southern segment of the existing railroad bed using typical open cut methods. After excavating the trench, bedding and piping would be placed, the trench would be backfilled, and the site would be restored to preconstruction conditions. Because the integrity of design, materials, workmanship, feeling, and association have been diminished in the southern segment there would be no anticipated adverse effect on cultural resources from burying the water pipeline within the Milwaukee Road railroad bed and restoring the railroad grade to pre-construction conditions. RUS has applied the Nationwide Programmatic Agreement Among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers and The Advisory Council on historic Preservation for Sequencing Section 106 (NPA) for this project to avoid an impending pooling, interest rate change, or another financial deadline. RUS has certified that it will apply the requirements of the NPA. The applicant has received and certified the NPA Awareness Certification. No funds will be disbursed, and no construction will begin until the Section 106 process has been completed and verified by the State Environmental Coordinator. Based on thecultural resource report submitted, the Montana State Historic Preservation Officer concurred with the determination that no adverse effects would occur (Montana Historical Society, 2017). If through compliance with the NPA new information is discovered which causes deviation from the Agency's original analysis of Cultural and Historic Resources RUS will supplement the EA as appropriate.

There is a possibility that cultural resources could be discovered during construction. As discussed in Section 5.5, in the event of an unanticipated discovery, construction would cease immediately, and the appropriate authorities, including the State Historic Preservation Officer and/or Tribal Historic Preservation Officer, would be notified. Construction would not continue until authorization is issued from the appropriate authorities.

3.7.3 No Action

Without implementation of the proposed action, the Milwaukee Road railroad bed would not be disturbed and there would be no effect on cultural resources.

3.8 Air Quality

3.8.1 Affected Environment

The Clean Air Act (42 U.S.C. § 7401 et seq.), enacted in 1970 tasked the EPA to establish National Ambient Air Quality Standards to protect public health and welfare and to regulate emissions of hazardous pollutants. The EPA's Air Quality System contains ambient air sample data collected by state, local, tribal, and federal air pollution control agencies from thousands of monitors around the nation. It also contains meteorological data, descriptive information about each monitoring station (including its geographic location and its operator), and information about the quality of the samples (EPA, 2020b). The MTDEQ monitors air quality throughout Montana. Ambient monitoring that is being conducted indicates that the proposed project area is meeting established NAAQS and considered in attainment. The air quality near the project area is good (EPA, 2020a). The area is not in a non-attainment area for air quality (i.e., air quality standards are being met). The wind direction is predominantly east or northeast. Per the Well #3 EA (USACE, 2019), the closest class 1 airshed downwind is the UL Bend National Wildlife Refuge, 111 miles north east of the Well #3 site at the north end of the project. and the closest Indian reservations (Rocky Boy and Fort Belknap Indian Reservations) are located

approximately 90 and 100 miles from the Well #3 site, respectively, are not designated a class 1 airsheds.

3.8.2 Proposed Action

The proposed action would result in a slight increase in air emissions as work vehicles, drill rigs, and heavy equipment work in the area. Emissions would occur over a single construction season and all equipment used and transport vehicles would meet emission control requirements. Emissions from this low level, short-term activity would be de minimus and would not create a noticeable or measurable increase in pollutants. Air quality impacts would be negligible and short-term.

3.8.3 No Action

Without implementation of the proposed action, there would be no emissions from construction equipment or vehicles and no impact on air quality.

3.9 Socio-Economic Impact Assessment/Environmental Justice

3.9.1 Affected Environment

According to the feasibility report conducted for the water supply project (USBR, 2015), rural residents must haul water or rely on inadequate groundwater for their drinking water. Groundwater from the shallower groundwater sources used must be treated. The surface water sources are limited, susceptible to drought conditions, and require costly treatment methods. There is also limited availability for water rights in the area. Due to climate change, the recharge rate of the current aquifer being used is expected to decrease, affecting the future quantity of water available to the community. The Town Harlowton and rural users rely on wells with low production and poor quality and sources that are susceptible to drought conditions. In 2019 Wheatland County had an estimated population of 2,126 (U.S. Census Bureau, 2020). From 2014 to 2018 the average number of family households in Wheatland County was 821 with 2.57 persons per household.

Environmental Justice Populations

E.O. 12898 requires federal agencies to “analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities”. A minority population is where the minority populations exceeds 50 percent or the minority population percentage is meaningfully greater then the minority populations in the general population (CEQ, 1997). Based on the 2019 estimated populations from Census Bureau (**Table 9**), there are no minority or low-income communities in the project area, and no disproportionately high and adverse effects.

Table 9. Minority and Low Income Populations (July 1, 2019 estimate)

County	Total Population	% Other than White	County % Low Income (in poverty)	Montana % Low Income (in poverty)
Wheatland	2,126	7.2	18.3	12.6
Judith Basin	2,007	2.3	14.5	12.6

Source: (U.S. Census Bureau, 2020)
* While the “White alone” number is reliable, the Census Bureau indicates that the possible minority population numbers are not. Therefore for this analysis, all minorities or partial minorities were grouped, which will overestimate the percentage of minority populations.

3.9.2 Proposed Action

The construction and reclamation of proposed action would employ up to 50 people for one construction season. This small short term increase in the labor force would not be considered significant. It is unlikely that temporary construction workers would relocate their families, so it is not anticipated that there would be impacts to public services. There may be a relatively small increase in demand for local goods and services however the increase would be negligible and short term due to the small size of the non-local workforce needed for the one construction season it would take to complete the proposed action. For the same reasons, the effects to infrastructure such as schools, hospitals, housing, and utilities would also be minimal, indicating that the project would have minimal adverse economic impacts in the region and may prove economically beneficial.

Completion of the proposed action would provide safe and reliable drinking water to an estimated 1,123 people in the town of Harlowton and rural areas of Wheatland County (MTDEQ, 2019) for a minimum of 50 years. Based on the average number of people per household in Wheatland County, this equates to approximately 437 family households that may experience beneficial impacts on their personal finances. Presently, households spend a portion of their monthly income on water treatment equipment and maintenance of that equipment. Additionally, the poor quality of the water often shortens the lifespan of common appliances such as washing machines, incurring additional maintenance and replacement costs on family budgets. Most families in the region also spend a considerable amount of money on bottled drinking water. It is unclear how much cost savings families would benefit from under the proposed action, but a reduction in household water treatment systems and appliance maintenance and replacement represents a long-term economic benefit.

3.9.3 No Action

Under the No Action Alternative, the rural population would not have potential access to an improved water source. Harlowton and rural users would continue to rely on surface water sources that are limited, susceptible to drought conditions, and require costly treatment methods. The community would be forced to haul water from outside sources or treat inadequate groundwater in the area for their drinking water supply.

3.10 Noise

3.10.1 Affected Environment

Sound is typically expressed in decibels. A decibel is defined as the ratio between a measured value and a reference value usually corresponding to the lower threshold of human hearing defined as 20 micropascals. Sound exposure is commonly measured and calculated as dBA.

The EPA and the World Health Organization (WHO) recommend maintaining environmental noises below 70 dBA over 24-hours (75 dBA over 8-hours) to prevent noise-induced hearing loss (EPA, 1974; WHO, 1999). The EPA also specified limits for speech interference and annoyance at 55 dBA for outdoors activities and 45 dBA for indoor activities (EPA, 1974).

The project is in rural aras in Wheatland and Judith Basin Counties. Less than one mile of the pipeline would be within Harlowton city limits and 17 miles would be constructed parallel to Old Gap Road between Harlowton and Judith Gap. The primary noise sources along the Phase 1 route are vehicular traffic on nearby roads and sounds from agricultural activities.

Sensitive receptors include areas of human activity, such as residences and schools, and wildlife habitat. Sensitive noise receptors near the project area include a hospital, school, funeral home, dentist office, and residential homes. Wheatland Memorial Healthcare, a 25 bed hospital (Wheatland Memorial Healthcare, 2021), is located approximately one quarter of a mile from the existing water storage tank site where the pipeline would begin. Approximately 700 feet of the pipeline would be constructed behind Hillcrest Elementary School. With the 30 foot construction easement the closest distance between the school and the project area would be approximately 60 feet, measured from the northernmost corner of the school. Approximately 950 feet of the pipeline would be constructed parallel to 5th Street Northwest and Northeast approximately 25 feet from private property lines on the south side of the street. The funeral home and dentist office are both approximately 250 feet south of 5th St Northeast.

3.10.2 Proposed Action

Noise would be generated during pipeline construction by heavy equipment, vehicles, and HDD equipment. Heavy equipment typically used during pipeline construction and their associated sound levels are summarized in **Table 10**. Construction schedules are anticipated to be on a 5 day per week schedule, generally occurring between 7 am and 6 pm.

Table 10. Heavy Equipment Sound Levels

Equipment Type	Low Range dBA	High Range dBA
Bulldozer	87	110
Diesel Truck	84	114
Excavator	80	102
Front-End Loader	82	102
Tractor	76	108

(Berger, et al., 2016)

Expected sound levels during construction would occasionally be greater than the EPA environmental noise guideline of 70dBA, however, not all pieces of equipment would be running simultaneously or continuously. Additionally, windows of nearby buildings and residences can be closed, substantially reducing the sound level.

It is estimated that 5,000 feet of the pipeline trenching coming into and through Harlowton will require ripping/heavy ripping which can be completed at a rate of 400 feet per day (USBR, 2014). At this rate construction within the vicinity of Hillcrest Elementary School and residential homes on 5th Street Northwest and Northeast would last only a few days and possibly when school is not in session, therefore any excessive construction noise would be short term.

The water pipeline itself would be underground and would not have any above ground noise-emitting equipment during operations.

3.10.3 No Action

The No Action Alternative would produce no change from current conditions, including those of current ambient sound levels.

3.11 Transportation

3.11.1 Affected Environment

Approximately 17 miles of the Phase 1 pipeline would be constructed parallel to Old Gap Road between Harlowton and Judith Gap and ap 950 feet of the pipeline would be constructed parallel to 5th Street Northwest and Northeast in Harlowton.

3.11.2 Proposed Action

As stated in Section 3.9.2 construction and reclamation of the proposed action would employ up to 50 people for one construction season. An increase in traffic on local roadways before and after construction hours as workers are commuting to and from home may be noticeable but would be minor and short term. Transportation of the precast 80-foot diameter tank to the Judith Gap Tank site would require oversized load permits. This equipment is moved slowly and would not likely contribute to accidents. Transport of the tank may cause minor delays but impacts are anticipated to be short term, lasting only a few days.

Construction in the vicinity of 5th Street Northwest and Northeast would last only a few days. Overall the proposed action would have short-term and negligible to minor effects on motorists at the regional and local scales.

3.11.3 No Action

No increase in regional and local traffic would occur on roadways, therefore, no impacts on transportation.

Chapter 4
Reasonably Foreseeable Impacts

Reasonably foreseeable future actions that may have impacts similar to the proposed action are the construction of Phases 2 through 5 of the MJRWS.

Table 11 summarizes the direct and indirect effects of the remaining phases of the water supply pipeline, along with the impacts when combined with Phase 1 project.

Table 11. Effects of Phases 2 through 5 of the MJRWS and Phase 1

Resource	Effects from Pipeline Construction of Phases 2 through 5 and MJRWS Operation	Effects when added to Effects of Phase 1
General Land Use	Short-term impact during pipeline construction. No long-term impacts.	Land for the Well #2 and #3 sites was acquired and disturbed previously further development will not significantly affect any land uses within these areas. All lands would have been reclaimed by the time additional disturbance for Phases 2 through 5. Future disturbance would be analyzed in future NEPA documentation.
Prime and Unique Farmlands and Soils	Soil disturbance was unquantified due to the programmatic nature of the analysis. Site reclamation would minimize long-term impacts. Future maintenance may disturb small amounts of soil.	All Phase 1 disturbance of prime farmland, prime farmland if irrigated, farmland of statewide importance and farmland of local importance would have been reclaimed by the time additional disturbance for Phases 2 through 5.
Wetlands	Temporary disturbance of wetlands. Mitigation would ensure effects are short-term.	HDD under wetlands no additional impacts.
Water Resources	Small, short-term impact on quality minimized by environmental commitments. No impact on quantity. 993 acre-feet to 1,275 acre-feet per year of demand when the system is complete. Predicted head change of 0.2 feet at Big Spring no head change at Warm Spring. No impact on the groundwater system.	The impact on water would be over long before the construction of Phases 2 through 5 commenced.
Fish	No impact on fish species.	There would be no impacts on fish from Phase 1, so there would be no additional effects.

Resource	Effects from Pipeline Construction of Phases 2 through 5 and MJRWS Operation	Effects when added to Effects of Phase 1
Wildlife	Temporary disturbance of wildlife in the area. Effects on avian species minimized by mitigation measures on the power lines. No long-term impacts on wildlife.	There would be no impacts on wildlife from Phase 1, so there would be no additional effects.
Vegetation	Soil disturbance leading to weed infestation minimized by reclamation and a weed treatment plan.	Weeds would have been monitored and treated by the time additional disturbance could affect the spread of weeds due to the pipeline construction and operation.
Federally Listed Species	There would be no impacts to species of concern and federally listed species.	The impacts on federally listed species would be over before the construction of Phases 2 through 5 commenced, therefore there would be no additional effects.
Cultural Resources	No impact anticipated. Through proper pre-design cultural resource surveys, impacts should largely be avoided.	No impact anticipated. Through proper pre-design cultural resource surveys so there would be no additional effects.
Air Quality	There would be emissions from vehicles and equipment operating during pipeline construction. No long-term impacts on air quality.	The impacts to air quality would be over prior to construction of Phases 2 through 5 commenced.
Social and Economic	Temporary employment and increase in economic activity associated with construction. Minimal long-term employment for system operation. Businesses that provided services related to water quality, bottled water or appliances may see decreased activity. No Environmental Justice impacts.	The long-term effect would be improved water quality. The employment created by the Phase 1 construction would be over by the time the construction of Phases 2 through 5 commenced.

Chapter 5
Summary of Mitigation

Environmental commitments are implemented to avoid, mitigate, or monitor environmental impacts associated with the proposed action. These commitments have been developed in coordination with federal, state, county, and local agencies. These commitments would be implemented before construction and operation unless otherwise specified.

5.1 Land Use, Important Farmland, and Formally Classified Lands

- Maximize construction of pipelines next to existing roads to eliminate or reduce the need for new maintenance or access roads;
- Return topography to preconstruction contours and mound soil over pipeline to allow settling;
- Control erosion by reseeding areas disturbed by pipeline placement as soon as possible following construction during acceptable dryland seeding timeframes in either the fall or spring;
- Topsoil would be separated and stockpiled before pipeline excavation greater than 18 inches wide (using backhoes). If pipelines are plowed in or trenchers are used (18 inches or less), the topsoil may be incorporated with subsoil during backfilling;
- Replace the topsoil as the last step in the backfilling process, so the protective soils will be returned to the soil horizon;
- Install sediment barriers to reduce water erosion on slopes greater than five percent;
- Leave buffer stripes of undisturbed vegetation adjacent to waterways;
- Where necessary, scarify topsoil before seeding in order to prevent compaction or crusting. Leave soil in a roughened condition until it is seeded to prevent wind erosion;
- Hydromulch slopes steeper than 15 percent;
- Install water bars to divert run-off from disturbed area;
- Backfill immediately after pipeline is placed in trenches;
- Consult with members of the ID Team for technical assistance in avoiding, minimizing and monitoring for lost or degraded water resource values; and
- Project related sand and gravel pits will comply with all federal and state regulations.

5.2 Wetlands

Wetlands are protected under Section 404 of the Clean Water Act; therefore, disturbance to wetlands will be avoided whenever possible, per E.O. 11990. In the event that impacts to wetlands cannot be avoided, the following mitigation compensation measures would be followed:

- Wetlands would be delineated and the functions and values would be assessed by a certified wetland biologist and a 404 permit would need to be obtained for all jurisdictional wetlands;
- Temporary supporting platforms would be used when working in wetlands to minimize damage to the wetland;
- Silt barriers would be used when disturbance areas occur adjacent to wetlands in order to control sediment;

- In the event that wetlands were disturbed or excavated, hydric soils would be stockpiled and the soil horizon would be redeveloped upon completion of construction;
- If pipeline profiles indicate draining of a wetland, bentonite plugs would be installed around the pipe on both sides of the wetland;
- Disturbed wetlands would be restored to original contour; and
- Restored wetlands would be monitored for three years post-construction to ensure that the functional capacity of the wetland was restored.
- Wetland crossings will be directionally bored or drilled where feasible to mitigate/limit impact.

5.3 Water Resources

- Stream crossings in the project area would conform to state and federal standards;
- Place silt barriers to control sediment on slopes in excess of five percent at stream crossings and adjacent wetlands;
- Stockpile soil from trenches out of the water and waterway crossings and replace after pipeline construction;
- Select stream crossing sites where the channel is relatively stable and not side-cutting;
- Construct stream crossings perpendicular to the axis of the stream channel;
- Perennial streams and wetlands would be under-bored;
- Restore original streambank contours;
- Service and refuel construction equipment at least 250 feet from all waterbodies and wetlands;
- Obtain state and federal streambank permit and comply with any additional requirements outlined by agencies;
- The mitigation standards for adverse effects to existing surface and groundwater users are established in state of Montana statutes governing water rights. In summary, new water development is not allowed to adversely affect a prior appropriator to any degree. Adverse effects to surface and groundwater users will be addressed in the water right permitting process. If any adverse effects are identified they will be resolved before a water right permit is issued; and
- Monitoring of potentially affected surface waters and springs will be investigated on a case-by-case basis during the water right permitting process. Some monitoring in the Utica area is already planned based on the water right permit for the well at that location. It is possible that additional monitoring could be identified in relation to development of additional wells. The distance from where a well is located to where a spring may be monitored will be based on technical evaluation of the hydrogeological conditions. This evaluation will consider the magnitude of the CMRWA water development and the ability to measure associated depletions. The CMRWA plans to permit a total of 1,220 acre-feet of water, which equates to a continuous flow rate of 1.7 cubic feet per second (cfs).

5.4 Biological Resources

5.4.1 Fish and Wildlife

- Aquatic resources for fish and wildlife would be protected by the implementation of Water Resources and Water Quality mitigation measures. All perennial streams and

wetlands would be under-bored. When open-trench methods are used, they would be conducted during a period in which there is no water present in the stream and construction and reclamation activities would be completed prior to water returning to the system;

- Appropriately timed pre-construction surveys will be conducted to identify fish and wildlife habitat to be avoided;
- No construction activities would be allowed within 2 miles of a sharp-tailed grouse (*Tympanuchus phasianellus*) or a greater sage-grouse (*Centrocercus urophasianus*) lek during periods of breeding or nesting (March 15 through June 15);
- Minimize disturbance to sagebrush plants. In the event sagebrush plants are removed or killed, plants would be reestablished through seeding or replanting; and
- All newly constructed power lines would be in compliance with the Avian Power Line Interaction Committee (APLIC) *Suggested Practices on Power Lines: The State of the Art in 2006* (APLIC, 2006) in order to avoid impacts to raptors.

5.4.2 Vegetation

- Minimize disturbance to sagebrush (Artemisia spp.) plants. In the event sagebrush plants are removed or killed, plants would be reestablished through seeding or replanting;
- Reseed disturbed native grassland with a native seed mix to ensure rapid revegetation;
- Broadcast seed where appropriate in order to minimize visual impacts;
- Identify areas of noxious weed infestation located within or adjacent to disturbance areas and treat prior to disturbance activities;
- Prepare and submit a noxious weed control plan to each county weed district prior to construction activities;
- Construction equipment will have mufflers and spark arresters to reduce fire risk; and
- Control weeds within pipeline corridor on an on-going basis as part of regular operation and maintenance.

5.4.3 Threatened and Endangered Species

- The MTFWP, MTNHP, and the USFWS would be consulted regarding the proposed activities to ensure that no unacceptable impacts to species of concern, threatened, endangered, candidate, or proposed species or their habitat occur.

5.5 Cultural Resources

As suggested by Reclamation and the State Historic Preservation Office, cultural resources would be protected by implementing the following mitigation measures:

- If disturbance activities are to occur within an area that has never previously been disturbed, a cultural resource investigation would be conducted prior to disturbance during the design phase.
- In the event that a cultural resource is discovered during construction, construction in the discovery area will be suspended and Reclamation and any other appropriate authorities, including the State Historic Preservation Officer and/or Tribal Historic Preservation Officer, will be notified to determine the nature of the discovery. Depending on the nature of the discovery, additional cultural resource inventory and/or mitigation

may be necessary. Reclamation will consult with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer and any other appropriate authorities to determine this.

5.5.1 Paleontological Resources

- In the event a paleontological resource is discovered during construction, construction in the discovery area will be suspended and Reclamation and any other appropriate authorities will be notified to determine the nature of the discovery. Depending on the nature of the discovery, additional inventory and/or mitigation may be necessary.

5.6 Socio-Economic/Environmental Justice

- Traffic and maintenance of traffic flow would be a high priority during any construction activities within the highway ROW. Disruptions of traffic would be kept to a minimum ensuring less than a 10 minute delay. All crossings or construction within ROWs would require permit/permission of appropriate federal, state, or county agency;
- Pipeline design would ensure that any potential pipeline breaks would not endanger adjacent roads; and
- As the pipeline is developed, residents and landowners will have an opportunity to receive water from the supply system wherever it is feasible.

5.6.1 Hazardous Materials

- Both the Montana DEQ Underground Storage Tank (UST) Program website https://deq.mt.gov/Land/ust/ustdownloads and the EPA's UST Finder database UST Finder (arcgis.com) were searched for registered underground storage tanks. There are no registered USTs with addresses on E Ave NW, 5th St NE, 6th Street NE or 12E/101N (AKA Old Gap Road) in Harlowton or anywhere else along the pipeline route. Should an UST be discovered, the pipeline would be routed around the tank a few feet, or the tank would be removed per regulatory standards, although given the location, there is little risk unknown tanks will be encountered;
- Prior to ground disturbing activities, a utility locator service, such as 811 will be contacted to identify any pipelines or any other potential sources of hazardous material. The Pipeline Mapping Project indicates a "Hazardous Liquid Pipeline" may cross under Highway 191 that would need to be avoided by underboring or other method to safely cross it in coordination with the owner. Hazardous material features would not be disturbed during construction activities;
- If contaminated soils/sites are unexpectedly encountered during construction, construction would cease immediately and a qualified hazardous material professional would be consulted to ensure compliance with applicable laws, rules, and regulations. As appropriate, the MTDEQ, EPA, and the Montana Department of Transportation will be contacted and consulted;
- CMRWA would ensure that all contractors have a spill prevention and clean-up plan to minimize potential for effects; and

- Construction materials would be provided from state of Montana approved existing gravel sources and no new resource exploration will likely be required.

Chapter 6
Coordination, Consultation, and Correspondence

United States Department of Agriculture

To: Chairman Bobby Komardley, Apache Tribe of Oklahoma

Copy: Steve Troendle & Donna Andreassi, USDA Rural Development

From: Justin Bailey, USDA Rural Development

3/19/2021

Subject: Notification of Intent to Use the *Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on historic Preservation for Sequencing Section 106* (NPA)

Dear Chairman Komardley:

The Central Montana Regional Water Authority is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Water and Environmental Program for The Central Montana Regional Water Project-Phase 1.

This memo is to inform you that the RUS has chosen to apply the *Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on historic Preservation for Sequencing Section 106* (NPA) for the Project(s).

RUS is applying the NPA because:

☐ Because the schedule may span one to five years or longer, can be composed of multiple projects that are rarely staked or precisely located and/or the nature of the undertaking is often unclear, prior to the obligation of funds.

☐ The applicant does not have the financial wherewithal to fund Section 106 reviews, and/or the analysis of alternatives, without some level of confidence that RD's low interest funding or grants will be available to assist them.

☒ To avoid an impending pooling, interest rate change, or another financial deadline.

If RUS elects to fund the Project(s), it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

Should you have any questions, please contact Justin Bailey at justin.bailey@usda.gov or (406) 389-3877.

United States Department of Agriculture

To: William Bigday, THPO, Crow Tribe of Montana

Copy: Steve Troendle & Donna Andreassi, USDA Rural Development

From: Justin Bailey, USDA Rural Development

3/19/2021

Subject: Notification of Intent to Use the *Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on historic Preservation for Sequencing Section 106* (NPA)

Dear Mr. Bigday:

The Central Montana Regional Water Authority is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Water and Environmental Program for The Central Montana Regional Water Project-Phase 1.

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Should you have any questions, please contact Justin Bailey at justin.bailey@usda.gov or (406) 389-3877.

United States Department of Agriculture

To: Michael Blackwolf, THPO, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana

Copy: Steve Troendle & Donna Andreassi, USDA Rural Development

From: Justin Bailey, USDA Rural Development

3/19/2021

Subject: Notification of Intent to Use the *Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on historic Preservation for Sequencing Section 106* (NPA)

Dear Mr. Blackwolf:

The Central Montana Regional Water Authority is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Water and Environmental Program for The Central Montana Regional Water Project-Phase 1.

This memo is to inform you that the RUS has chosen to apply the *Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on historic Preservation for Sequencing Section 106* (NPA) for the.

RUS is applying the NPA because:

☐ Because the schedule may span one to five years or longer, can be composed of multiple projects that are rarely staked or precisely located and/or the nature of the undertaking is often unclear, prior to the obligation of funds.

☐ The applicant does not have the financial wherewithal to fund Section 106 reviews, and/or the analysis of alternatives, without some level of confidence that RD's low interest funding or grants will be available to assist them.

☒ To avoid an impending pooling, interest rate change, or another financial deadline.

If RUS elects to fund the Project(s), it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

Should you have any questions, please contact Justin Bailey at justin.bailey@usda.gov or (406) 389-3877.

United States Department of Agriculture

To: Duane Reid, THPO, Little Shell Tribe

Copy: Steve Troendle & Donna Andreassi, USDA Rural Development

From: Justin Bailey, USDA Rural Development

3/19/2021

Subject: Notification of Intent to Use the *Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on historic Preservation for Sequencing Section 106* (NPA)

Dear Mr. Reid:

The Central Montana Regional Water Authority is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Water and Environmental Program for The Central Montana Regional Water Project-Phase 1.

This memo is to inform you that the RUS has chosen to apply the *Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on historic Preservation for Sequencing Section 106* (NPA) for the Project(s).

RUS is applying the NPA because:

☐ Because the schedule may span one to five years or longer, can be composed of multiple projects that are rarely staked or precisely located and/or the nature of the undertaking is often unclear, prior to the obligation of funds.

☐ The applicant does not have the financial wherewithal to fund Section 106 reviews, and/or the analysis of alternatives, without some level of confidence that RD's low interest funding or grants will be available to assist them.

☒ To avoid an impending pooling, interest rate change, or another financial deadline.

If RUS elects to fund the Project(s), it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

Should you have any questions, please contact Justin Bailey at justin.bailey@usda.gov or (406) 389-3877.

United States Department of Agriculture

To: Keith Baird, THPO, Nez Perce Tribe

Copy: Steve Troendle & Donna Andreassi, USDA Rural Development

From: Justin Bailey, USDA Rural Development

3/19/2021

Subject: Notification of Intent to Use the *Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on historic Preservation for Sequencing Section 106* (NPA)

Dear Mr. Baird:

The Central Montana Regional Water Authority is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Water and Environmental Program for The Central Montana Regional Water Project-Phase 1.

This memo is to inform you that the RUS has chosen to apply the *Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on historic Preservation for Sequencing Section 106* (NPA) for the Project(s).

RUS is applying the NPA because:

☐ Because the schedule may span one to five years or longer, can be composed of multiple projects that are rarely staked or precisely located and/or the nature of the undertaking is often unclear, prior to the obligation of funds.

☐ The applicant does not have the financial wherewithal to fund Section 106 reviews, and/or the analysis of alternatives, without some level of confidence that RD's low interest funding or grants will be available to assist them.

☒ To avoid an impending pooling, interest rate change, or another financial deadline.

If RUS elects to fund the Project(s), it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

Should you have any questions, please contact Justin Bailey at justin.bailey@usda.gov or (406) 389-3877.

United States Department of Agriculture

To: Chairman Tino Batt, Shoshone-Bannock Tribes of the Fort Hall Reservation

Copy: Steve Troendle & Donna Andreassi, USDA Rural Development

From: Justin Bailey, USDA Rural Development

3/19/2021

Subject: Notification of Intent to Use the *Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on historic Preservation for Sequencing Section 106* (NPA)

Dear Chairman Batt:

The Central Montana Regional Water Authority is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Water and Environmental Program for The Central Montana Regional Water Project-Phase 1.

This memo is to inform you that the RUS has chosen to apply the *Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on historic Preservation for Sequencing Section 106* (NPA) for the Project(s).

RUS is applying the NPA because:

☐ Because the schedule may span one to five years or longer, can be composed of multiple projects that are rarely staked or precisely located and/or the nature of the undertaking is often unclear, prior to the obligation of funds.

☐ The applicant does not have the financial wherewithal to fund Section 106 reviews, and/or the analysis of alternatives, without some level of confidence that RD's low interest funding or grants will be available to assist them.

☒ To avoid an impending pooling, interest rate change, or another financial deadline.

If RUS elects to fund the Project(s), it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

Should you have any questions, please contact Justin Bailey at justin.bailey@usda.gov or (406) 389-3877.

United States Department of Agriculture

To: Damon Murdo, MT SHPO

Copy: Steve Troendle & Donna Andreassi, USDA Rural Development

From: Justin Bailey, USDA Rural Development

3/19/2021

Subject: Notification of Intent to Use the *Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on historic Preservation for Sequencing Section 106* (NPA)

Dear Mr. Murdo:

The Central Montana Regional Water Authority is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Water and Environmental Program for The Central Montana Regional Water Project-Phase 1. (SHPO Project #: 2010112912).

This memo is to inform you that the RUS has chosen to apply the *Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on historic Preservation for Sequencing Section 106* (NPA) for the Project(s). U.S. Department of Agriculture Rural Development is applying the NPA to the project to allow us to reserve funds for said project while we're finishing tribal consultation with tribes that have yet to respond.

RUS is applying the NPA because:

☐ Because the schedule may span one to five years or longer, can be composed of multiple projects that are rarely staked or precisely located and/or the nature of the undertaking is often unclear, prior to the obligation of funds.

☐ The applicant does not have the financial wherewithal to fund Section 106 reviews, and/or the analysis of alternatives, without some level of confidence that RD's low interest funding or grants will be available to assist them.

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If RUS elects to fund the Project(s), it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

Should you have any questions, please contact Justin Bailey at justin.bailey@usda.gov or (406) 389-3877.

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September 18, 2020

Apache Tribe of Oklahoma
ATTN: Durrell Cooper, Chairman
P.O. Box 1330
Anadarko, OK 73005

Subject: **Notification of Intent to Initiate Section 106 Review**
Central Montana Regional Water Project – Phase 1
City of Harlowton, Wheatland County, and Judith Basin County, Montana

Dear Chairman Cooper:

The Central Montana Regional Water Authority (CMRWA) will seek financial assistance from the Rural Utilities Service (RUS) under its Section 6025: Strategic Economic and Community Development (SECD) Program for Phase 1 of its regional water project. The CMRWA is a coalition of communities and rural households in central Montana that struggle with poor quality and inadequate quantities of safe drinking water.

To best address the drinking water issues in central Montana, the CMRWA hired Great West Engineering to develop a Feasibility Report for the U.S. Bureau of Reclamation. The CMRWA has also completed the federal planning process proscribed by the Rural Water Supply Act of 2006, and it has secured from the State of Montana 100-percent of the water rights needed for the project.

The CMRWA has developed the Ubet wellfield approximately seven miles northwest of Judith Gap in Judith Basin, County. Phase 1 of the water project will include the installation of a pump for Well #3; construction of an electrical building and surge tank at Well #3; extension of three-phase power to the Well #2 and Well #3 sites; construction of a pipeline from Well #3 to Well #2; construction of a disinfection & control building, construction of a 550,000 gallon concrete storage tank, construction of a pipeline from the control building to the storage tank, construction of a pipeline from the tank to the City of Harlowton; construction of two pressure reducing valve stations; installation of fiber optic cable for system control, and the installation of electrical and control systems.

If RUS elects to fund this application, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 USC. 306108, and its implementing regulations, 36 CFR Part 800. Under 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), RUS has issued a blanket delegation to its applicants to initiate and proceed through Section 106 review. In accordance with this blanket delegation, the CMRWA is initiating Section 106 review on behalf of RUS.

In delegating this authority, RUS is advocating for the direct interaction between its Section 6025 SECD Program applicants and Indian tribes. RUS believes this interaction, before direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Indian tribes earlier in project planning.

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GREAT FALLS
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406.952.1109

SPOKANE
9221 N. Division St.,
Suite F
Spokane, WA 99218
509.413.1430

The CMRWA proposes that the area of potential effects (APE) for the referenced project consists of the area that extends from Judith Basin County, as shown on the enclosed map to the City of Harlowton in Wheatland County. The geographic scope of the APE will not be final until RUS makes a determination under 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined according to 36 CFR § 800.16.

The CMRWA is notifying you about the referenced project because of the possible interest of the Apache Tribe of Oklahoma in Judith Basin and Wheatland Counties. Should the Apache Tribe of Oklahoma elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following addresses - PO Box 4817, Helena, MT 59604 or bchurch@greatwesteng.com.

Please include with your affirmative response a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties that might be affected by the referenced project. The CMRWA will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations, and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Justin Bailey, State Environmental Coordinator, USDA Rural Development, 790 Colleen Street, Helena, MT 59601. Mr. Bailey's phone number (406) 449-5000 ext. 3879, and his email address is Justin.Bailey@usda.gov.

Please submit your response to me by October 19, 2020. During this period, I will follow-up to ensure your receipt of this notification and to identify any constraints which might delay your timely response. The CMRWA has been advised by RUS to proceed to the next step in Section 106 review if you fail to provide a timely response. Should you have any questions or require additional information, you may contact me at (406) 495-6177 or bchurch@greatwesteng.com.

Sincerely,
Great West Engineering, Inc.

Robert Church, PE
Principal

Enclosures

cc: Justin Bailey, Justin.Bailey@usda.gov
Monty Sealey, pmservices@midrivers.com

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September 18, 2020

Crow Tribe of Montana
ATTN: William Bigday
P.O. Box 159
Crow Agency, MT 59022

Subject: **Notification of Intent to Initiate Section 106 Review**
Central Montana Regional Water Project – Phase 1
City of Harlowton, Wheatland County, and Judith Basin County, Montana

Dear Mr. Bigday:

The Central Montana Regional Water Authority (CMRWA) will seek financial assistance from the Rural Utilities Service (RUS) under its Section 6025: Strategic Economic and Community Development (SECD) Program for Phase 1 of its regional water project. The CMRWA is a coalition of communities and rural households in central Montana that struggle with poor quality and inadequate quantities of safe drinking water.

To best address the drinking water issues in central Montana, the CMRWA hired Great West Engineering to develop a Feasibility Report for the U.S. Bureau of Reclamation. The CMRWA has also completed the Federal planning process proscribed by the Rural Water Supply Act of 2006, and it has secured from the State of Montana 100-percent of the water rights needed for the project.

The CMRWA has developed the Ubet wellfield approximately seven miles northwest of Judith Gap in Judith Basin, County. Phase 1 of the water project will include the installation of a pump for Well #3; construction of an electrical building and surge tank at Well #3; extension of three-phase power to the Well #2 and Well #3 sites; construction of a pipeline from Well #3 to Well #2; construction of a disinfection & control building, construction of a 550,000 gallon concrete storage tank, construction of a pipeline from the control building to the storage tank, construction of a pipeline from the tank to the City of Harlowton; construction of two pressure reducing valve stations; installation of fiber optic cable for system control, and the installation of electrical and control systems.

If RUS elects to fund this application, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 USC. 306108, and its implementing regulations, 36 CFR Part 800. Under 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), RUS has issued a blanket delegation to its applicants to initiate and proceed through Section 106 review. In accordance with this blanket delegation, the CMRWA is initiating Section 106 review on behalf of RUS.

In delegating this authority, RUS is advocating for the direct interaction between its Section 6025 SECD Program applicants and Indian tribes. RUS believes this interaction, before direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Indian tribes earlier in project planning.

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Suite F
Spokane, WA 99218
509.413.1430

The CMRWA proposes that the area of potential effects (APE) for the referenced project consists of the area that extends from Judith Basin County, as shown on the enclosed map to the City of Harlowton in Wheatland County. The geographic scope of the APE will not be final until RUS makes a determination under 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined according to 36 CFR § 800.16.

The CMRWA is notifying you about the referenced project because of the possible interest of the Crow Tribe of Montana in Judith Basin and Wheatland Counties. Should the Crow Tribe of Montana elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following addresses – PO Box 4817, Helena, MT 59604 or bchurch@greatwesteng.com.

Please include with your affirmative response a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties that might be affected by the referenced project. The CMRWA will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations, and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Justin Bailey, State Environmental Coordinator, USDA Rural Development, 790 Colleen Street, Helena, MT 59601. Mr. Bailey's phone number (406) 449-5000 ext. 3879, and his email address is Justin.Bailey@usda.gov.

Please submit your response to me by October 19, 2020. During this period, I will follow-up to ensure your receipt of this notification and to identify any constraints which might delay your timely response. The CMRWA has been advised by RUS to proceed to the next step in Section 106 review if you fail to provide a timely response. Should you have any questions or require additional information, you may contact me at (406) 495-6177 or bchurch@greatwesteng.com.

Sincerely,
Great West Engineering, Inc.

Robert Church, PE
Principal

Enclosures

cc: Justin Bailey, Justin.Bailey@usda.gov
Monty Sealey, pmservices@midrivers.com

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September 18, 2020

Fort Belknap Indian Community
ATTN: Michael Blackwolf
656 Agency Main Street
Harlem, MT 59526

Subject: **Notification of Intent to Initiate Section 106 Review**
Central Montana Regional Water Project – Phase 1
City of Harlowton, Wheatland County, and Judith Basin County, Montana

Dear Mr. Blackwolf:

The Central Montana Regional Water Authority (CMRWA) will seek financial assistance from the Rural Utilities Service (RUS) under its Section 6025: Strategic Economic and Community Development (SECD) Program for Phase 1 of its regional water project. The CMRWA is a coalition of communities and rural households in central Montana that struggle with poor quality and inadequate quantities of safe drinking water.

To best address the drinking water issues in central Montana, the CMRWA hired Great West Engineering to develop a Feasibility Report for the U.S. Bureau of Reclamation. The CMRWA has also completed the federal planning process proscribed by the Rural Water Supply Act of 2006, and it has secured from the State of Montana 100-percent of the water rights needed for the project.

The CMRWA has developed the Ubet wellfield approximately seven miles northwest of Judith Gap in Judith Basin, County. Phase 1 of the water project will include the installation of a pump for Well #3; construction of an electrical building and surge tank at Well #3; extension of three-phase power to the Well #2 and Well #3 sites; construction of a pipeline from Well #3 to Well #2; construction of a disinfection & control building, construction of a 550,000 gallon concrete storage tank, construction of a pipeline from the control building to the storage tank, construction of a pipeline from the tank to the City of Harlowton; construction of two pressure reducing valve stations; installation of fiber optic cable for system control, and the installation of electrical and control systems.

If RUS elects to fund this application, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 USC. 306108, and its implementing regulations, 36 CFR Part 800. Under 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), RUS has issued a blanket delegation to its applicants to initiate and proceed through Section 106 review. In accordance with this blanket delegation, the CMRWA is initiating Section 106 review on behalf of RUS.

In delegating this authority, RUS is advocating for the direct interaction between its Section 6025 SECD Program applicants and Indian tribes. RUS believes this interaction, before direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Indian tribes earlier in project planning.

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509.413.1430

The CMRWA proposes that the area of potential effects (APE) for the referenced project consists of the area that extends from Judith Basin County, as shown on the enclosed map to the City of Harlowton in Wheatland County. The geographic scope of the APE will not be final until RUS makes a determination under 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined according to 36 CFR § 800.16.

The CMRWA is notifying you about the referenced project because of the possible interest of the Fort Belknap Indian Community in Judith Basin and Wheatland Counties. Should the Fort Belknap Indian Community elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following addresses - PO Box 4817, Helena, MT 59604 or bchurch@greatwesteng.com.

Please include with your affirmative response a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties that might be affected by the referenced project. The CMRWA will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations, and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Justin Bailey, State Environmental Coordinator, USDA Rural Development, 790 Colleen Street, Helena, MT 59601. Mr. Bailey's phone number (406) 449-5000 ext. 3879, and his email address is Justin.Bailey@usda.gov.

Please submit your response to me by October 19, 2020. During this period, I will follow-up to ensure your receipt of this notification and to identify any constraints which might delay your timely response. The CMRWA has been advised by RUS to proceed to the next step in Section 106 review if you fail to provide a timely response. Should you have any questions or require additional information, you may contact me at (406) 495-6177 or bchurch@greatwesteng.com.

Sincerely,
Great West Engineering, Inc.

Robert Church, PE
Principal

Enclosures

cc: Justin Bailey, Justin.Bailey@usda.gov
Monty Sealey, pmservices@midrivers.com

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September 17, 2020

Tribal Historic Preservation Office – Little Shell Tribe
ATTN: Duane Reid
PO Box 211
Elmo, MT 59915

Subject: **Notification of Intent to Initiate Section 106 Review**
Central Montana Regional Water Project – Phase 1
City of Harlowton, Wheatland County, and Judith Basin County, Montana

Dear Mr. Duane Reid:

The Central Montana Regional Water Authority (CMRWA) will seek financial assistance from the Rural Utilities Service (RUS) under its Section 6025: Strategic Economic and Community Development (SECD) Program for Phase 1 of its regional water project. The CMRWA is a coalition of communities and rural households in central Montana that struggle with poor quality and inadequate quantities of safe drinking water.

To best address the drinking water issues in central Montana, the CMRWA hired Great West Engineering to develop a Feasibility Report for the U.S. Bureau of Reclamation. The CMRWA has also completed the federal planning process proscribed by the Rural Water Supply Act of 2006, and it has secured from the State of Montana 100-percent of the water rights needed for the project.

The CMRWA has developed the Ubet wellfield approximately seven miles northwest of Judith Gap in Judith Basin, County. Phase 1 of the water project will include the installation of a pump for Well #3; construction of an electrical building and surge tank at Well #3; extension of three-phase power to the Well #2 and Well #3 sites; construction of a pipeline from Well #3 to Well #2; construction of a disinfection & control building, construction of a 550,000 gallon concrete storage tank, construction of a pipeline from the control building to the storage tank, construction of a pipeline from the tank to the City of Harlowton; construction of two pressure reducing valve stations; installation of fiber optic cable for system control, and the installation of electrical and control systems.

If RUS elects to fund this application, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 USC. 306108, and its implementing regulations, 36 CFR Part 800. Under 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), RUS has issued a blanket delegation to its applicants to initiate and proceed through Section 106 review. in accordance with this blanket delegation, the CMRWA is initiating Section 106 review on behalf of RUS.

In delegating this authority, RUS is advocating for the direct interaction between its Section 6025 SECD Program applicants and Indian tribes. RUS believes this interaction, before direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Indian tribes earlier in project planning.

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The CMRWA proposes that the area of potential effects (APE) for the referenced project consists of the area that extends from Judith Basin County, as shown on the enclosed map to the City of Harlowton in Wheatland County. The geographic scope of the APE will not be final until RUS makes a determination under 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined according to 36 CFR § 800.16.

The CMRWA is notifying you about the referenced project because of the possible interest of the Little Shell Tribe in Judith Basin and Wheatland Counties. Should the Little Shell Tribe elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following addresses – PO Box 4817, Helena, MT 59604 or bchurch@greatwesteng.com.

Please include with your affirmative response a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties that might be affected by the referenced project. The CMRWA will respect the confidentiality of the information which you provide to the fullest extent possible.

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Please submit your response to me by October 19, 2020. During this period, I will follow-up to ensure your receipt of this notification and to identify any constraints which might delay your timely response. The CMRWA has been advised by RUS to proceed to the next step in Section 106 review if you fail to provide a timely response. Should you have any questions or require additional information, you may contact me at (406) 495-6177 or bchurch@greatwesteng.com.

Sincerely,
Great West Engineering, Inc.

Robert Church, PE
Principal

Enclosures

cc: Justin Bailey, Justin.Bailey@usda.gov
Monty Sealey, pmservices@midrivers.com

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September 18, 2020

Shoshone-Bannock of the Fort Hall Indian Reservation
ATTN: Louise Dixey, Cultural Resources Director
PO Box 306
Fort Hall, ID 83203

Subject: **Notification of Intent to Initiate Section 106 Review**
Central Montana Regional Water Project – Phase 1
City of Harlowton, Wheatland County, and Judith Basin County, Montana

Dear Director Dixey:

The Central Montana Regional Water Authority (CMRWA) will seek financial assistance from the Rural Utilities Service (RUS) under its Section 6025: Strategic Economic and Community Development (SECD) Program for Phase 1 of its regional water project. The CMRWA is a coalition of communities and rural households in central Montana that struggle with poor quality and inadequate quantities of safe drinking water.

To best address the drinking water issues in central Montana, the CMRWA hired Great West Engineering to develop a Feasibility Report for the U.S. Bureau of Reclamation. The CMRWA has also completed the federal planning process proscribed by the Rural Water Supply Act of 2006, and it has secured from the State of Montana 100-percent of the water rights needed for the project.

The CMRWA has developed the Ubet wellfield approximately seven miles northwest of Judith Gap in Judith Basin, County. Phase 1 of the water project will include the installation of a pump for Well #3; construction of an electrical building and surge tank at Well #3; extension of three-phase power to the Well #2 and Well #3 sites; construction of a pipeline from Well #3 to Well #2; construction of a disinfection & control building, construction of a 550,000 gallon concrete storage tank, construction of a pipeline from the control building to the storage tank, construction of a pipeline from the tank to the City of Harlowton; construction of two pressure reducing valve stations; installation of fiber optic cable for system control, and the installation of electrical and control systems.

If RUS elects to fund this application, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 USC. 306108, and its implementing regulations, 36 CFR Part 800. Under 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970), RUS has issued a blanket delegation to its applicants to initiate and proceed through Section 106 review. In accordance with this blanket delegation, the CMRWA is initiating Section 106 review on behalf of RUS.

In delegating this authority, RUS is advocating for the direct interaction between its Section 6025 SECD Program applicants and Indian tribes. RUS believes this interaction, before direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Indian tribes earlier in project planning.

BILLINGS
6780 Trade Center Ave.
Billings, MT 59101
406.652.5000
Fax 406.248.1363

BOISE
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Suite 201
Boise, ID 83703
208.576.6646

GREAT FALLS
702 2nd Street South #2
Great Falls, MT 59405
406.952.1109

SPOKANE
9221 N. Division St.,
Suite F
Spokane, WA 99218
509.413.1430

The CMRWA proposes that the area of potential effects (APE) for the referenced project consists of the area that extends from Judith Basin County, as shown on the enclosed map to the City of Harlowton in Wheatland County. The geographic scope of the APE will not be final until RUS makes a determination under 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined according to 36 CFR § 800.16.

The CMRWA is notifying you about the referenced project because of the possible interest of the Shoshone-Bannock Tribes in Judith Basin and Wheatland Counties. Should the Shoshone-Bannock Tribes elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following addresses – PO Box 4817, Helena, MT 59604 or bchurch@greatwesteng.com.

Please include with your affirmative response a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties that might be affected by the referenced project. The CMRWA will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations, and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Justin Bailey, State Environmental Coordinator, USDA Rural Development, 790 Colleen Street, Helena, MT 59601. Mr. Bailey's phone number (406) 449-5000 ext. 3879, and his email address is Justin.Bailey@usda.gov.

Please submit your response to me by October 19, 2020. During this period, I will follow-up to ensure your receipt of this notification and to identify any constraints which might delay your timely response. The CMRWA has been advised by RUS to proceed to the next step in Section 106 review if you fail to provide a timely response. Should you have any questions or require additional information, you may contact me at (406) 495-6177 or bchurch@greatwesteng.com.

Sincerely,
Great West Engineering, Inc.

Robert Church, PE
Principal

Enclosures

cc: Justin Bailey, Justin.Bailey@usda.gov
Monty Sealey, pmservices@midrivers.com

HELENA
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Helena, MT 59604
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Great West engineering ®

September 18, 2020

Tribal Historic Preservation Office – Nez Perce Tribe
ATTN: Keith Baird
P.O. Box 365
Lapwai, ID 83540

Subject: **Notification of Intent to Initiate Section 106 Review**
Central Montana Regional Water Project – Phase 1
City of Harlowton, Wheatland County, and Judith Basin County, Montana

Dear Mr. Keith Baird:

The Central Montana Regional Water Authority (CMRWA) will seek financial assistance from the Rural Utilities Service (RUS) under its Section 6025: Strategic Economic and Community Development (SECD) Program for Phase 1 of its regional water project. The CMRWA is a coalition of communities and rural households in central Montana that struggle with poor quality and inadequate quantities of safe drinking water.

To best address the drinking water issues in central Montana, the CMRWA hired Great West Engineering to develop a Feasibility Report for the U.S. Bureau of Reclamation. The CMRWA has also completed the federal planning process proscribed by the Rural Water Supply Act of 2006, and it has secured from the State of Montana 100-percent of the water rights needed for the project.

The CMRWA has developed the Ubet wellfield approximately seven miles northwest of Judith Gap in Judith Basin, County. Phase 1 of the water project will include the installation of a pump for Well #3; construction of an electrical building and surge tank at Well #3; extension of three-phase power to the Well #2 and Well #3 sites; construction of a pipeline from Well #3 to Well #2; construction of a disinfection & control building, construction of a 550,000 gallon concrete storage tank, construction of a pipeline from the control building to the storage tank, construction of a pipeline from the tank to the City of Harlowton; construction of two pressure reducing valve stations; installation of fiber optic cable for system control, and the installation of electrical and control systems.

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The CMRWA is notifying you about the referenced project because of the possible interest of the Nez Perce Tribe in Judith Basin and Wheatland Counties. Should the Nez Perce Tribe elect to participate in Section 106 review of the referenced project, please notify me in writing via letter or email as soon as possible at the following addresses – PO Box 4817, Helena, MT 59604 or bchurch@greatwesteng.com.

Please include with your affirmative response a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties that might be affected by the referenced project. The CMRWA will respect the confidentiality of the information which you provide to the fullest extent possible.

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Sincerely,
Great West Engineering, Inc.

Robert Church, PE
Principal

Enclosures

cc: Justin Bailey, Justin.Bailey@usda.gov
Monty Sealey, pmservices@midrivers.com

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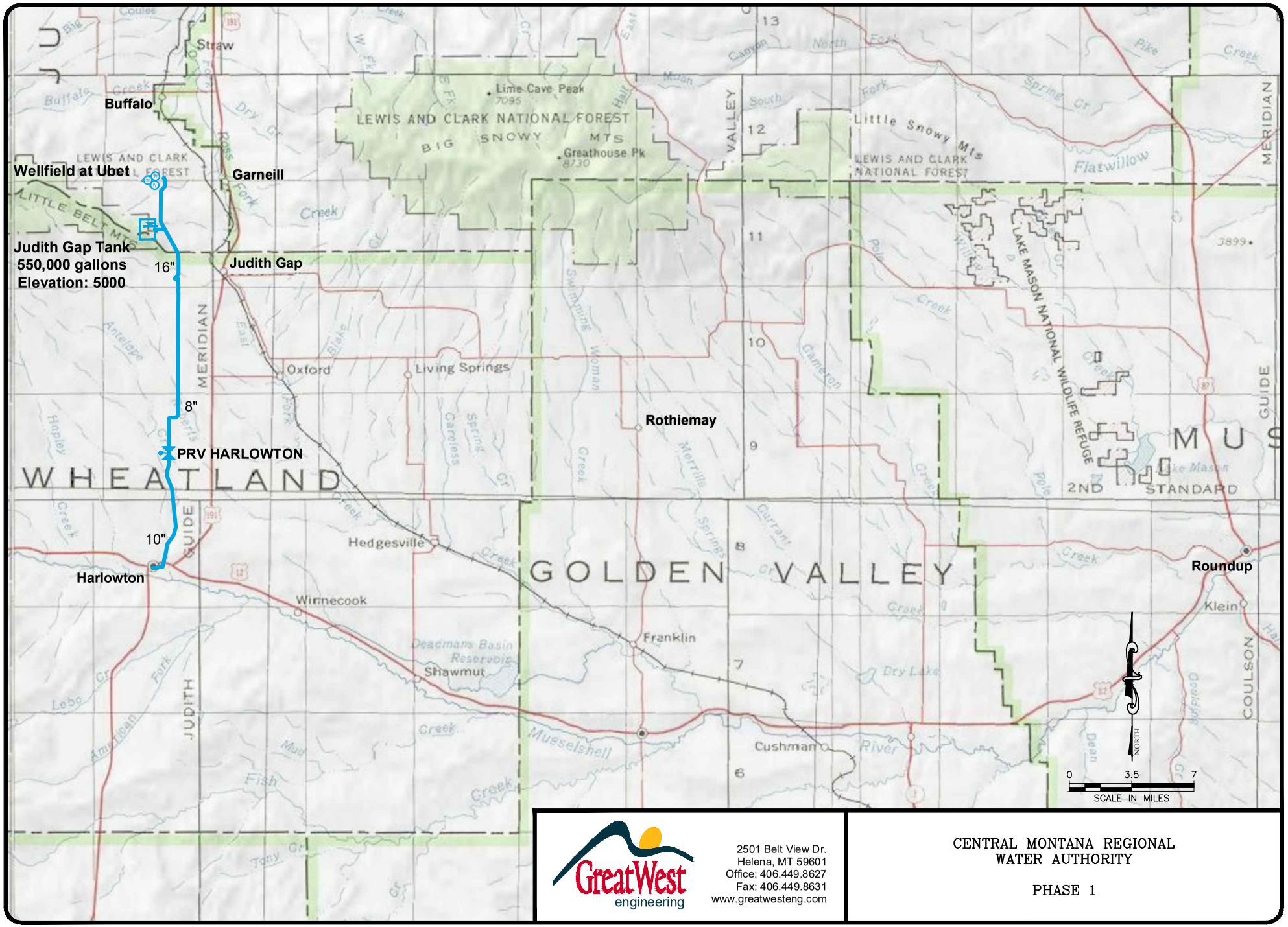

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CENTRAL MONTANA REGIONAL
WATER AUTHORITY

PHASE 1

A Cultural Resource Inventory for the Musselshell-Judith Rural Water System, Phase 1, in Wheatland, Judith Basin, and Fergus Counties, Montana

August 2017

PRESENTED TO

Central Montana Regional Water Authority
P. O. Box 660
Roundup, Montana 59072

PRESENTED BY

Tetra Tech
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Prepared by:

Lynn M. Peterson
Cultural Resource Specialist August 2017

Name *Date*
Title

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Cameo Flood
Project Manager August 2017

Name Date
Title

ABSTRACT

The Central Montana Regional Water Authority proposes to construct the Musselshell-Judith Rural Water System, a pipeline that will provide reliable and high quality drinking water for Hobson, Judith Gap, Harlowton, Lavina, Broadview, Roundup, Melstone, and some other small communities. The proposed project would eventually provide municipal water for an estimated 7,300 people.

Primary funding for pipeline design and construction comes from the federal government, state of Montana and loans repaid by the Central Montana Regional Water Authority through charges assessed system users. In order to obtain federal funding, the project was authorized by passage of the Rural Water Supply Act of 2006. Title I of the Act authorized the establishment of the Rural Water Program which enables the US Department of the Interior, Bureau of Reclamation to work with rural communities and Tribes, throughout the west, to assess rural water supply needs.

Federal involvement requires compliance with Section 106 (36 CFR Part 800) of the National Historic Preservation Act of 1966. Federal agencies must take into account the effects of their undertakings on historic properties. To comply with Section 106, Tetra Tech was contracted to conduct a cultural resource inventory of the Phase 1 water pipeline route which is confined to privately owned land. The Phase I route extends 29 miles north-south between the small community of Buffalo and Harlowton, and then extends west-east for 3.7 miles to the community of Garneill and 3 miles west-east to Judith Gap. Tetra Tech archaeologist Lynn M. Peterson, and field technician John Mueller, completed the pedestrian inventory on July 24-28, 2017 by examining 26.8 miles (195 acres) of the 60-foot pipeline corridor in Wheatland, Judith Basin, and Fergus counties.

The cultural resource inventory identified two new historic sites, 24FR1276, a historic residence in Buffalo, and 24FR1277, the First State Bank of Buffalo. Additionally, previously recorded sites 24FR655, the town of Garneill, and 24WL128, the Milwaukee Road, were re-visited. All sites were documented, and evaluated for National Register of Historic Places eligibility and project effects.

Sites 24FR1276 and 24FR655 are recommended not eligible for the National Register of Historic Places. Ineligible properties do not require an examination of projects effects and no further cultural resource work is recommended. An exception to the eligibility recommendation occurs within the town of Garneill where an historic building that originally housed the community's grocery store has been evaluated as historically and architecturally significant. To avoid a possible adverse effect determination, this building should be avoided by project construction work.

Sites 24FR1277 and 24WL128 are recommended eligible to the National Register of Historic Places. At Site 24FR1277, the proposed water pipeline route lies between the bank building and a county road. If construction activities avoid this site, the proposed pipeline project will have no effect on the First State Bank of Buffalo. At Site 24WL128, the proposed water pipeline is designed to be buried in the existing railroad bed for 5 miles and the proposed pipeline project may cause adverse effects on the Milwaukee Road's integrity. Consultation with the Montana State Historic Preservation Office is recommended to determine if project-related adverse effects would occur.

Although no prehistoric sites were identified during the 2017 cultural resource inventory, prehistoric populations did favor the project area and pipeline construction work may disturb buried prehistoric sites. If any prehistoric/historic cultural materials are uncovered by pipeline construction, work should cease in the area and the Montana State Historic Preservation Office should be notified.

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

APPENDICES

1.0 INTRODUCTION

The Central Montana Regional Water Authority (CMRWA) is a public, non-profit organization consisting of a coalition of cities and towns in central Montana that have a long legacy of an inadequate drinking water supply. The CMRWA was legally created in 2005 as a public water authority in the state of Montana. The CMRWA is governed by a board of directors with members from various communities to be served by the water system. The goal of the Musselshell-Judith Rural Water System (MJRWS) is to provide a reliable and adequate quantity of high quality drinking water for the member communities. The proposed project consists of developing groundwater wells within the Madison Aquifer to supply water to each of the current seven member communities that include Hobson, Judith Gap, Harlowton, Lavina, Broadview, Roundup, and Melstone. Additional smaller communities and local users along the pipeline route would also benefit from the proposed project.

The proposed water project includes the development of a well field located approximately 6 miles northwest of Judith Gap that would draw water from the Madison Aquifer. The proposed water pipeline extends approximately 230 miles, beginning at the well field location northwest of Judith Gap and extending north to Utica, Hobson and possibly Moore. The pipeline also trends south from the well field to Judith Gap and Harlowton, and east to serve Lavina, Broadview, Roundup and Melstone. The proposed project would provide municipal water for an estimated 4,750 people initially and eventually serve approximately 7,300 people.

The primary funding for MJRWS design and construction would come from the federal government, state of Montana and loans repaid by the CMRWA through the charges assessed system users. In order to obtain federal and state funding, the project must be federally authorized and be appropriated federal funds. In December 2006, President George W. Bush signed P.L. 109-451, the Rural Water Supply Act of 2006. Title I of the Act authorized the establishment of the Rural Water Program which enables the US Department of the Interior, Bureau of Reclamation to work with rural communities and Tribes, throughout the west, to assess rural water supply needs.

Federal involvement requires compliance with Section 106 (36 CFR Part 800) of the National Historic Preservation Act of 1966 which requires federal agencies to take into account the effects of their undertakings on historic properties. To comply with Section 106, Tetra Tech was contracted to conduct a cultural resource inventory of the Phase 1 water pipeline route which is entirely confined to private land. The Phase I route extends 29 miles north-south between the small community of Buffalo and Harlowton, and then extends west-east for 3.7 miles to the community of Garneill and 3 miles west-east to Judith Gap. The pedestrian inventory did not examine three segments of the pipeline route as access permission had not been obtained; these segments include 3.3 miles south of Buffalo, 2.7 miles west of Garneill, and 2.9 miles west of Judith Gap **(Figure 1)**. One acre was also examined in the county of Judith Basin where a proposed water tank will be located. Tetra Tech archaeologist, Lynn M. Peterson, and field technician John Mueller, completed the pedestrian inventory on July 24-28, 2017. This report discusses the project area's physical and cultural settings, the file and record search, and the cultural resource inventory methods and results. A brief project summary and recommendations for project management conclude this report.

2.0 PHYSICAL AND CULTURAL SETTING

2.1 PHYSICAL ENVIRONMENT

As defined by Fenneman (1931:192), the project area lies within the Great Plains physiographic province, a region that lies between the Rocky Mountains to the west and the Canadian Shield, Central Lowlands, and Gulf Coastal Plain regions to the east. From north to south, the Great Plains also stretch from the Canadian Prairies to

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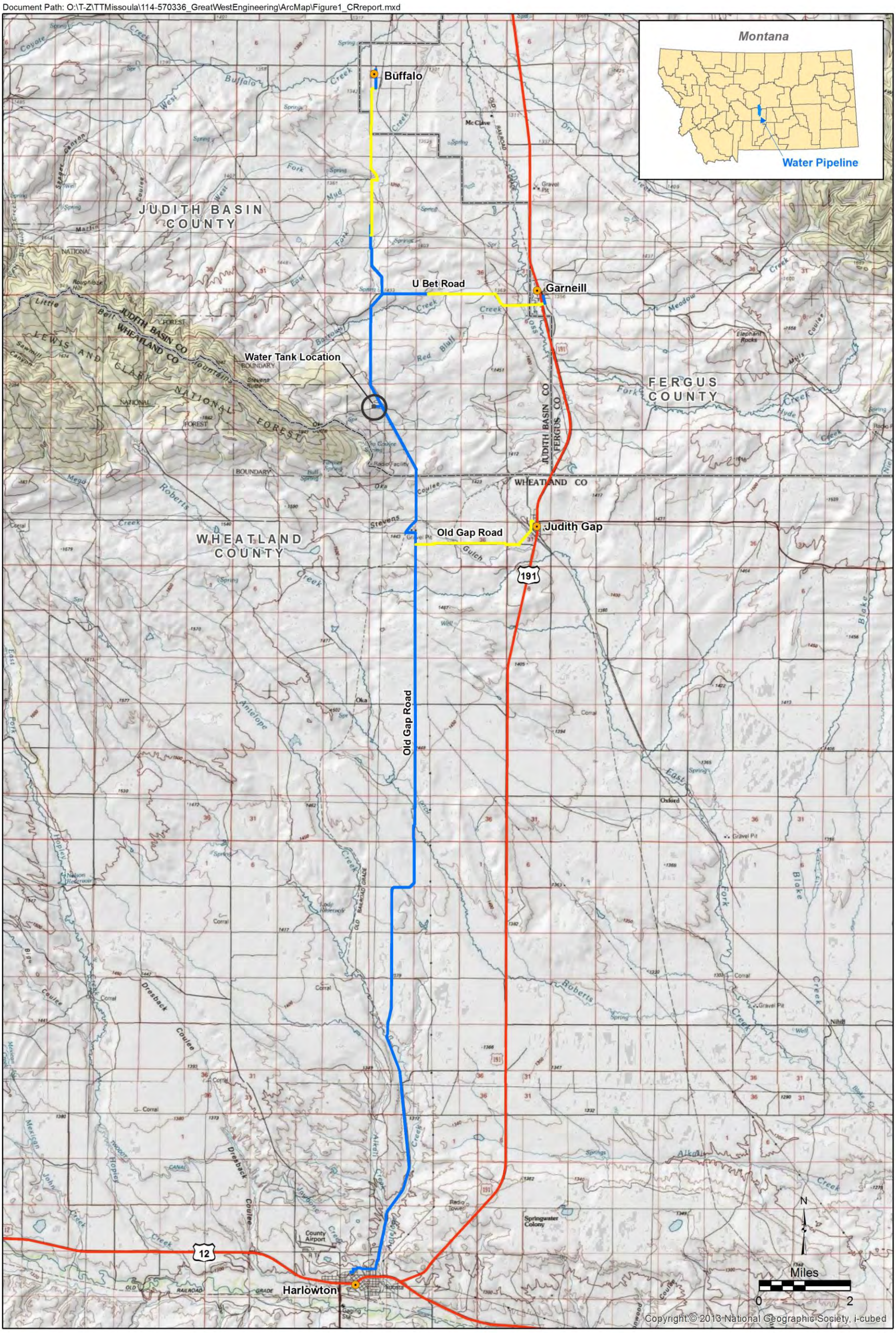


Date: 8/23/2017

Legend

- Town
- County Road
- US Highway

Waterline Route

- Access Permission Received
- No Access Permission

- Water Tank
- County Boundary

Figure 1
Phase 1 Proposed Water Pipeline Route
Musselshell-Judith Rural Water System
Wheatland, Judith Basin and Fergus Counties, MT

the Edwards Plateau in Texas. Within this greater physiographic province, the project area occurs on the Unglaciated Missouri Plateau, an area characterized as broad tablelands dissected by the Missouri River and its tributaries. More specific, the Phase 1 water pipeline route crosses fairly level to slightly rolling plains between the Little Belt and Big Snowy Mountains to head south to Harlowton. Numerous creeks and drainages bisect the water pipeline route and the Musselshell River flows west-east, just south of Harlowton. The Musselshell River originates west of the project area near Martinsdale, Montana and flows over 300 miles before it joins the Missouri River at Fort Peck Reservoir. Project area elevations range between 4,200 and 4,800 feet above sea level with the higher elevations near the Little Belt Mountains.

Geologically, the project area is characterized by Cretaceous sandstone and shale. Bedrock formations consist of sandstone and mudstone but these formations weather easily and outcrops are rare (Alt and Hyndman 2000).

Soils in Fergus County consist of silty clays and clay loams with 0 to 8 percent slope, and Judith Basin soils are predominately clay loams with 2 to 8 percent slope. Soils in Wheatland County tend to be loams that range from clay loams to gravely/cobbly loams with 0 to 4 percent slope. The majority of all soils are moderately well drained to well drained (Natural Resources Conservation Service, n.d.).

Project area climate data collected between 1948 and 2016 at weather stations in Harlowton and Judith Gap demonstrate slight differences between the two towns (Western Regional Climate Center 2016). Harlowton's average minimum winter temperature is 11.4° in January and Judith Gap experiences their average minimum temperature of 14.4° during the month of February. The average maximum summer temperature is 83.4° in Harlowton and 87.3° in Judith Gap. Annual average precipitation is 13 inches in Harlowton compared to 14.9 inches in Judith Gap, and average snowfall is 38.6 inches and 29.2 inches in Harlowton and Judith Gap, respectively.

Predominantly characterized as the Judith Basin grasslands, the native vegetation community consists of blue grama, western wheatgrass, and needle-and-thread species (Payne 1973). Much of the land has been broken for grain production and other parcels are used as rangeland for cattle and sheep. Juniper and pine were observed near the Little Belt Mountains and prickly pear cactus was observed near Harlowton. The project area has hosted agriculture for over 100 years and disturbance is common.

Historically, the Great Plains were populated by herds of bison, elk, and pronghorns, and in turn, these large mammals attracted predators like grizzly bears and wolves. The plains were also home to large prairie dog towns which supported populations of mountain plovers, burrowing owls, black-footed ferrets, prairie rattlesnakes, and swift foxes (Montana Fish, Wildlife & Parks, n.d.).

2.2 CULTURAL OVERVIEW

The project area is located within the prehistoric cultural subarea known as the Northwestern Plains, a region that extends from central Alberta to southern Wyoming and from western North Dakota to western Montana. The prehistoric inhabitants of the Northwestern Plains existed for 12,000 years as semi-nomadic hunters and gatherers. The archaeological record suggests minor changes in tool technologies and subsistence strategies over time. A primary focus on bison is evident during the last 4,000 years (Frison 1991).

The prehistory of the Northwestern Plains has been classified into four traditions or periods based on similarities of artifact assemblages and overall adaptive strategies. The time periods are known as Paleoindian, Plains Archaic, Late Prehistoric and Equestrian Nomadic.

2.2.1 Paleoindian Tradition (10,000 - 5500 BC)

The Paleoindian Tradition occurred during the Pre-Boral and Boreal climatic episodes, a time when the climate was cool, moist and conducive to forest expansion (Bryson et al. 1970). Paleoindian populations practiced generalized foraging strategies and inhabited environmentally diverse sites found in major river valleys and

foothills. Paleoindian sites are rarely found on the more homogenous upland prairie. The Paleoindian Tradition is further classified into Clovis, Goshen, Folsom, Hell Gap-Agate Basin, Cody and Parallel Oblique Flaked complexes. Large fluted points known as Clovis and Folsom are considered classic Paleoindian projectile points.

2.2.2 Plains Archaic Tradition (5500 BC - AD 250)

The Plains Archaic Tradition began during a relatively dry climatic episode known as the Altithermal. Early Plains Archaic sites are generally found in the same environment as Paleoindian sites, in the protected mountains, foothills and major river valleys. A change in subsistence and settlement strategies is seen in the middle part of this tradition when sites are increasingly found across the open prairie. Subsistence changes include an increased reliance on bison and the utilization of plant resources. Housepits also appear for the first time in the vicinity of the Montana-Wyoming border. The final part of the Plains Archaic is characterized by additional changes in subsistence and settlement strategies. New cooperative hunting techniques were developed to more successfully exploit bison herds. The tipi is also developed, which facilitated habitation of the open Plains. Complexes of the Plains Archaic include Bitterroot/Mummy Cave, Oxbow, McKean and Pelican Lake.

2.2.3 Late Prehistoric (750 BC - AD 1800)

The Late Prehistoric is a time of increasing specialization of plains living and utilization of plains resources, most importantly, bison. The early part of the Late Prehistoric is marked by replacement of the atlatl with the bow and arrow. This more efficient weapon, coupled with communal hunting techniques, allowed the Plains Indians to become premier bison hunters. Late Prehistoric complexes include Besant, Avonlea and Old Woman's. Besant projectile points are side-notched, while Avonlea points are finely made triangular points with shallow hafting notches near the base of the blade. Around AD 1000, Avonlea points were replaced by slightly larger side-notched projectile points known as Old Women's.

2.2.4 Equestrian Nomadic Tradition (AD 1750 - 1800)

The Equestrian Nomadic Tradition is a transitional time between the prehistoric and historic periods. This time is distinguished by the acquisition of the horse and subsequent changes that occurred in subsistence strategies, demographics, social organization and settlement patterns (Gregg 1985). The horse arrived in the Southern Plains ca. AD 1600, but did not appear on the Northern Plains until AD 1725-1750. With the arrival of the horse, populations became more sedentary. Women, children and the elderly could stay behind as hunters mounted on horseback greatly increased their range (Secoy 1953).

The presence of Euro-American trade goods usually denotes an Equestrian Nomadic site. However, sites from this time period are usually identified as belonging to an earlier period for several reasons. First, subsistence activities remained unchanged, and with an absence of Euro-American goods, sites would simply be classed as prehistoric. Additionally, Euro-American goods are subject to decay and collection by relic hunters.

Diagnostic material from the Equestrian Nomadic Tradition includes trade beads, metal points and tools, and horse bones.

Bison herds roamed the project area during this time and many tribes visited the Judith Basin grasslands in pursuit of the bison; however, the Blackfeet, Crow, and Gros Ventre are considered to have traditional territory in the area.

2.2.5 Historic Period (AD 1805 - Present)

The historic period in Montana began with the arrival of Lewis and Clark in 1805-1806 (DeVoto 1952). On May 20, 1805, the Expedition reached the project vicinity when they crossed the Musselshell River which they named for the freshwater mussels lining the bank. Nine days later, on the 29th, the Expedition encountered a particularly

clear and pretty stream that Clark named for his cousin Julia (Judith) Hancock, a woman Clark married 16 months after he returned home.

Even before the Expedition returned to St. Louis in September 1806, they encountered men ascending the Missouri River with the intention of trapping beaver along the Yellowstone River. Manuel Lisa of the St. Louis Missouri Fur Company was the first to attempt to gain a foothold in the fur trapping industry of Montana. Lisa established a fort (known variously as Fort Remon, Lisa's Fort or Fort Manuel) in 1807 at the confluence of the Bighorn and Yellowstone rivers (Malone and Roeder 1976).

By the late 1820s, John Jacob Astor and the American Fur Company had grown to monopolize the fur trade of the Northern Plains and the Rockies (Malone and Roeder 1976). Forts were established along the Missouri to facilitate trade with the Indians, act as safe depots for goods and furs, and be defensible residential quarters for the traders. The fur trade was the primary focus of most Anglo-Indian activities in the Northern Plains and thousands of buffalo hides, beaver skins, and other furs were taken from the project vicinity. However, such activity could not last for an extended period and the fur trade collapsed in the 1860s as regions were hunted and trapped out.

With the decline of the fur trade and the signing of the Fort Laramie Treaty of 1851, which defined boundaries between Indian tribes of the Northern Plains, the project area experienced a new wave of immigrants as the Musselshell Valley became open to Euro-American settlement. By the 1870s, the natural vegetation of the Judith Basin grasslands began to attract the attention of ranchers and homesteaders.

The homestead boom in Montana was fueled by the Homestead Act of 1862, the Timber Culture Act (1873), and the Desert Land Act (1877), which permitted settlement of public domain land. Under these laws, over 25-million acres of public land on the plains of Montana were patented (Lewis 2004). Life was good for the homesteaders in the early 1900s. Rain was plentiful and grain prices were high with the advent of World War I in Europe. The years between 1900 and 1920 are considered the golden age of agriculture as dry land farm values quadrupled and farmers became prosperous. Montana's population experienced tremendous growth during these years as numbers increased from 243,329 in 1900 to 769,590 by 1918 (Lewis 2004). However, by 1920, the homesteading boom ended and the state began a twenty-year period of drought, wind and poverty (Malone and Roeder 1976). Over 60,000 left Montana in the 1920s, and approximately 20 percent of the farms were abandoned.

Another important event that influenced life in the project area was the arrival of the railroad. Although Montana's railway history began in the early 1880s as vast copper deposits and other mineral resources were discovered in Butte, the agricultural industry also played a role in railroad development. Seeking to make money by providing agricultural shipping from the Judith Basin area, Richard Austin Harlow created the Montana Railroad Company in 1894. This railroad, known as the Jawbone, saw construction begin the following year at Lombard, about 50 miles east of Helena. By 1900, the Jawbone extended east to the small town of Merino and the railroad's arrival created a small economic and population boom. As a gesture of gratitude to Richard Austin Harlow, the residents of Merino renamed their town Harlowton (Lewis 2004). Three years later, the Jawbone line extended north to the village of Garneill. A station built on the westside of Garneill was named Ubet, after a popular stagecoach station located a few miles to the west. Garneill consisted of three towns: the railroad town of Ubet, North Garneill, which was dry, and South Garneill, which allowed the sale of alcohol and the establishment of saloons (Cheney 1996). Ubet eventually changed its name to Garneill and today only the railroad area and northern town exist as Garneill.

The Great Northern Railway eventually purchased the Jawbone's northern line and the rail company founded the town of Judith Gap to support the rail line. The town of Buffalo, originally established as a post office in 1890, also experienced a surge of growth when the Great Northern built a railroad station there in 1912.

In January 1910, Harlow sold the Jawbone's southern line to the Chicago, Milwaukee, St. Paul and Pacific Rail Line for $3.5 million (Lewis 2004). This railroad, known as the Milwaukee Road, provided service from Chicago to the Pacific Ocean and was the first electric railroad in Montana. The Milwaukee Road ceased to operate in 1980

and the tracks were subsequently removed. However, the railroad bed remains visible in portions of the current project area.

3.0 LITERATURE AND FILE SEARCH

Tetra Tech requested a literature and file search from the Montana State Historic Preservation Office (SHPO) to identify any cultural resource projects or recorded sites associated with sections crossed by the proposed pipeline route **(Table 1).**

Table 1 Project Area Location Information

Township	Range	Section
8N	15E	2, 11, 14, 15, 22
9N	15E	2, 3, 10, 15, 22, 27, 34
10N	15E	12, 13, 14, 23, 26, 34, 35
10N	16E	6, 7, 18
11N	15E	1, 3, 4, 9, 10, 15, 22, 23, 26, 35, 36
11N	16E	6, 31
12N	15E	10, 15 ,22, 27, 28, 34, 35, 36

Montana SHPO returned a list of 18 cultural resource investigations that concern inventories for highway projects, pipelines, telecommunications, and transmission line projects. Cultural resource investigations also included a National Register of Historic Places (NRHP) eligibility determination of the Milwaukee Road from Judith Gap to Glengarry.

A review of the Montana SHPO cultural resource database identified 47 previously recorded sites in the project area sections that include 18 historic residences, 7 historic railroad segments of the Great Northern and Milwaukee Road, 6 homesteads/farmsteads, 5 commercial developments, 3 vehicular/foot bridges, a railroad bridge, a building foundation, a gas station, the townsite of Garneill, a rock structure, a segment of Highway 191, a possible prehistoric lithic scatter, and a paleontological locality **(Table 2)**. One historic commercial development, the Graves Hotel in Harlowton, is listed on the NRHP. Eighteen of the remaining cultural resources have been determined eligible for listing in the NRHP, two have been determined to be ineligible, and 26 sites have an undetermined eligibility status.

Nine of the 47 previously recorded sites occur within the proposed pipeline corridor and include 5 segments of the historic Great Northern and Milwaukee Road railroads, the townsite of Garneill, a segment of Highway 191. a homestead/farmstead, and a bridge **(Figure 2)**. The homestead/farmstead (24WL142) and 4 segments of the Great Northern and Milwaukee Road railroads (24FR441, 24JT212, 24WL127, and 24WL128) are eligible for listing on the NRHP while the eligibility of the Harlowton segment of the Milwaukee Road (24WL222), the townsite of Garneill (24FR655), Highway 191 (24FR1223), and a bridge (24JT131) remain undetermined.

Table 2 Montana SHPO File Search Results

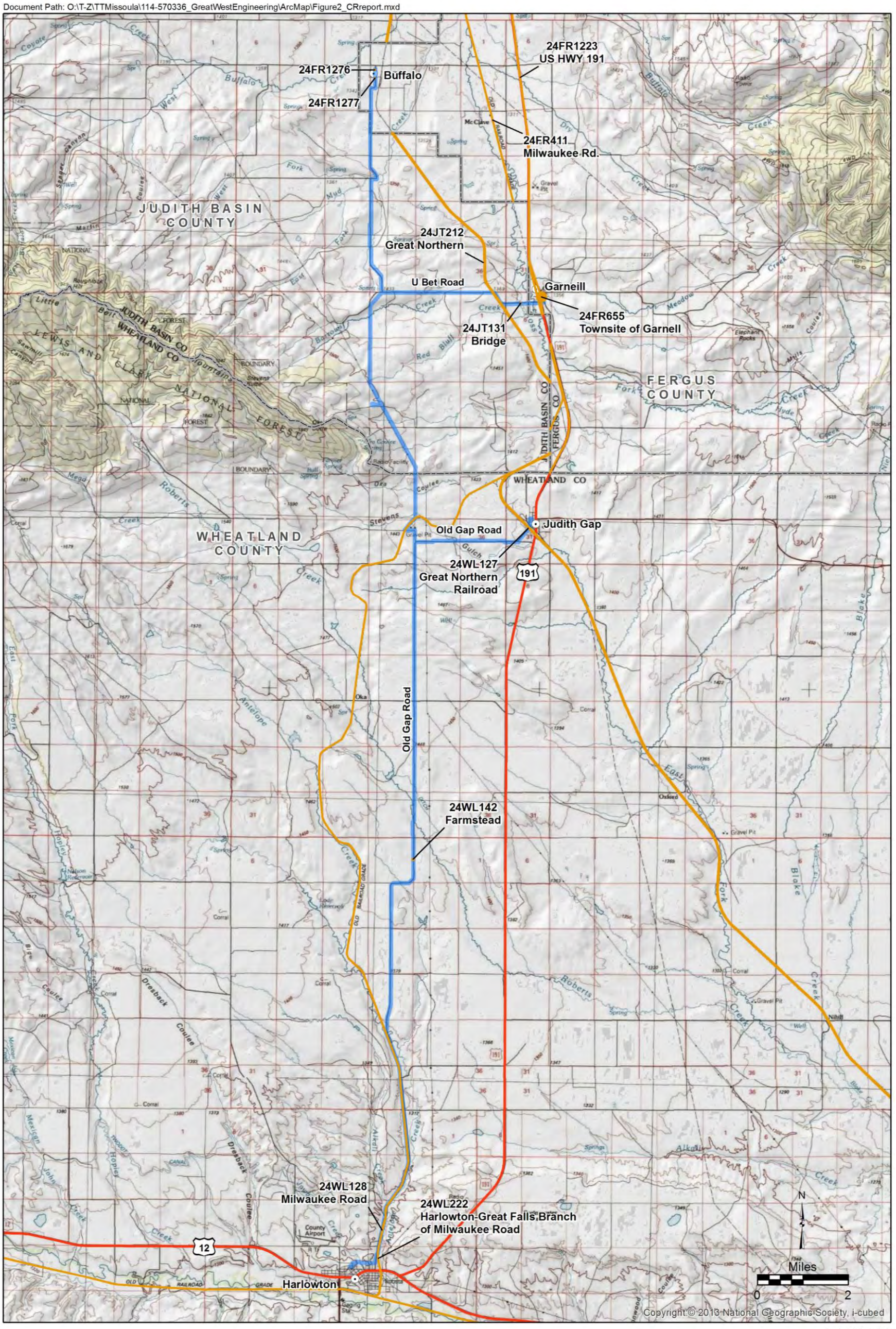
Site No.	TRS*	Site Type	Owner	NR Status	Pipeline Corridor Location
24FR411	11N, 16E, 6	Historic Railroad, Fergus Co. Milwaukee Rd.	Private	Eligible	Inside
24FR492	11N, 16E, 6	Historic Vehicular/Foot Bridge	No Data	Undetermined	Outside
24FR655	11N, 16E, 6	Townsite of Garneill	Combination	Unresolved	Inside
24FR915	12N, 15E, Various	Historic Railroad, Fergus Co. Great Northern	Private	Eligible	Outside
24FR982	12N, 15E, 10	Historic Building Foundation	Private	Unresolved	Outside
24FR1223	11N, 16E, 6	Historic Road, Highway 191	Combination	Undetermined	Inside
24JT121	11N, 16E, 6	Historic Railroad, Judith Basin Co. Milwaukee Rd.	Private	Eligible	Outside
24JT131	11N, 16E, 6	Historic Vehicular/Foot Bridge	No Data	Undetermined	Inside
24JT170	11N, 16E, 6	Historic Homestead/Farmstead	Private	Undetermined	Outside
24JT171	11N, 16E, 6	Historic Residence	Private	Undetermined	Outside
24JT212	11/12N, 15/16E, Various	Historic Railroad, Judith Basin Co. Great Northern	Private	Eligible	Inside
24WL11	8N, 15E, 15	Lithic Material Concentration	No Data	Undetermined	Outside
24WL75	10N, 16E, 18	Historic Homestead/Farmstead	MDOT and Other	Undetermined	Outside
24WL80	8N, 15E, 22	Historic Commercial Development	Private	Undetermined	Outside
24WL81	8N, 15E, 22	Historic Commercial Development	Private	NR Listed	Outside
24WL127	11N, 16E, 31	Historic Railroad, Wheatland Co. Great Northern	Private	Eligible	Inside
24WL128	8/9/11N, 15E, Various	Historic Railroad, Wheatland Co. Milwaukee Rd.	Private	Eligible	Inside
24WL141	10N, 15E, 34	Historic Homestead/Farmstead	Private	Eligible	Outside
24WL142	9N, 15E, 3	Historic Homestead/Farmstead	Private	Eligible	Inside**

Table 2 Montana SHPO File Search Results

Site No.	TRS*	Site Type	Owner	NR Status	Pipeline Corridor Location
24WL143	9N, 15E, 10	Historic Homestead/Farmstead	Private	Eligible	Outside
24WL157	11N, 16E, 31	Historic Residence	Private	Unresolved	Outside
24WL158	11N, 16E, 31	Historic Residence	Private	Unresolved	Outside
24WL159	11N, 16E, 31	Historic Residence	Private	Unresolved	Outside
24WL160	11N, 16E, 31	Historic Residence	Private	Unresolved	Outside
24WL161	11N, 16E, 31	Historic Residence	Private	Eligible	Outside
24WL162	11N, 16E, 31	Historic Residence	Private	Unresolved	Outside
24WL163	11N, 16E, 31	Historic Residence	Private	Unresolved	Outside
24WL164	11N, 16E, 31	Historic Commercial Development	Private	Eligible	Outside
24WL165	11N, 16E, 31	Historic Residence	Private	Unresolved	Outside
24WL166	11N, 16E, 31	Historic Residence	Private	Unresolved	Outside
24WL167	11N, 16E, 31	Historic Residence	Private	Eligible	Outside
24WL168	11N, 16E, 31	Historic Residence	Private	Unresolved	Outside
24WL169	11N, 16E, 31	Historic Residence	Private	Eligible	Outside
24WL170	11N, 16E, 31	Historic Residence	Private	Unresolved	Outside
24WL171	11N, 16E, 31	Historic Residence	Private	Eligible	Outside
24WL172	11N, 16E, 31	Historic Residence	Private	Eligible	Outside
24WL173	11N, 16E, 31	Historic Commercial Development	Private	Eligible	Outside
24WL174	11N, 16E, 31	Historic Gas Station	Private	Eligible	Outside
24WL177	10N, 16E, 18	Historic Homestead/Farmstead	MDOT and Other	Ineligible	Outside
24WL178	11N, 16E, 31	Historic Railroad Bridge	State Owned	Undetermined	Outside
24WL181	8N, 15E, 14	Paleontological Locality	No Data	Undetermined	Outside
24WL221	8N, 15E, 22	Historic Vehicular/Foot Bridge	MDOT and Other	Eligible	Outside
24WL222	8N, 15E, 22	Historic Railroad, Harlowton, Milwaukee Rd.	No Data	Unresolved	Inside
24WL276	11N, 16E, 31	Historic Commercial Development	Private	Ineligible	Outside
24WL277	11N, 16E, 31	Historic Residence	Private	Unresolved	Outside
24WL562	8N, 15E, 14	Rock Structure(s)	Private	Undetermined	Outside
24WL717	11N, 16E, 31	Historic Residence	Private	Undetermined	Outside

*TRS – Township, Range, Section; **Cultural resource inventory determined this site to be outside pipeline corridor.

Document Path: O:\T-Z\TTMissoula\114-570336_GreatWestEngineering\ArcMap\Figure2_CRreport.mxd



Date: 8/21/2017

Figure 2
Cultural Resources Within the Pipeline Corridor
Musselshell-Judith Rural Water System
Wheatland, Judith Basin and Fergus Counties, MT

Legend

- Town
- US Highway
- Cultural Site
- Pipeline Corridor
- County Boundary

4.0 INVENTORY METHODS AND RESULTS

4.1 INVENTORY METHODS

The intensive pedestrian inventory of the pipeline corridor and water tank location was conducted by Tetra Tech archaeologist, Lynn M. Peterson, and field technician John Mueller, on July 24-28, 2017. The proposed 60-foot pipeline corridor extends 35.7 miles and consists of 262 acres. As access permission had not been received for three segments, 26.8 miles (195 acres) of the 60-foot pipeline corridor was examined with two transect intervals. As a guide to stay within the pipeline corridor and permission lands, Tetra Tech archaeologists carried a Trimble Geo-XT GPS unit with an uploaded shapefile of the pipeline corridor.

All cultural resources encountered were documented using Montana Cultural Resources Information System (CRIS) forms. Additionally, locations were recorded with the GPS unit and all features and site overviews were photographed with a digital camera. No artifacts were collected during the inventory.

4.2 INVENTORY RESULTS

The cultural resource inventory of the proposed MJRWS pipeline identified two previously unrecorded sites (24FR1276 and 24FR1277) and re-visited previously recorded sites 24FR655 (Townsite of Garneill), 24WL128 (Milwaukee Road), 24WL142 (Farmstead), and 24WL222 (Milwaukee Road). Site 24WL142 is a possible farmstead that consists of two depressions and an earth mound. Although the record search indicated this site was inside the pipeline corridor, the current inventory relocated the two depressions and determined these features lie outside the pipeline corridor. As a result, Site 24WL142 was not updated **(See Figure 2)**.

Sites 24FR411 (Milwaukee Road), 24JT131 (Bridge), 24JT170 (Farmstead), 24JT212 (Great Northern Railroad), and 24FR1223 (US Highway 191) occur in non-permissioned survey areas and were not re-visited during the current pedestrian inventory.

In addition to the above sites, a sign for the Carroll Trail was observed along Ubet Road in Section 35, T12N, R15E. The Carroll Trail was an early freight road that extended from Helena to Carroll, a settlement on the Missouri River (Russell 2002). The trail's story begins when owners of the famed Diamond R Freighting Company decided they wanted a share of the lucrative steamboat trade then centered at Fort Benton. To compete, they needed a new port on the Missouri and a good road to connect the port to the outside world. The settlement of Carroll was built in the early 1870s and consisted of a crude collection of log huts perched on a bank overlooking the Missouri River, near the mouth of the Musselshell River. Diamond R Freight then blazed a 225-mile road that connected Helena and Carroll, and the first freight train negotiated the trail in 1874. Life on the Carroll Trail was not easy as travelers encountered a forbidding landscape nearly devoid of vegetation. In dry conditions, freight trains were able to make the trip from Carroll to Helena in one month. However, when the trail was wet, travelers had to combat a mass of greasy, clinging mud that severely impeded the progress of heavily loaded freight wagons. Diamond R Freight failed to make money on the Carrol Trail and the company abandoned the post and trail in 1876.

The Carroll Trail sign observed by the 2017 inventory marks the general route of the trail and Tetra Tech archaeologists saw no evidence of the trail itself. To date, the only traces of the trail have been reported in the Lewistown area (Jon Axline, personal communication, 2017). As no evidence of the trail was encountered in the water pipeline corridor, the Carroll Trail was not recorded as a cultural resource during the 2017 inventory.

4.2.1 Site 24FR1276 (Shannon Residence)

This site represents a historic residence in the town of Buffalo, Montana that consists of 5 historic buildings and a mobile home **(Figure 3, Appendix A)**. Four of the historic buildings include a residence, shed, garage, and

Figure 3. Overview of Site 24FR1276, View to the Northwest.

outhouse that appear to have been constructed in 1915 (Montana Cadastral, n.d.). The fifth building, a shed, appears to have been moved onto the property and placed against the garage. The residence has been used as Buffalo's Post Office since the early 1990s (Barbara Grove, person communication, 2017).

Feature 1 is a historic residence that now functions as a post office for the town of Buffalo. The residence is a square, wood frame building that measures 28 ft. x 28 ft. and rests on a concrete foundation. A rectangular shed addition was constructed on the north side of the residence that measures 8 ft. x 28 ft. This addition also projects an almost square entryway that measures 4 ft. x 4.25 ft. It appears simple drop siding was the original cladding material and now only the east, south, and part of the west wall of the residence exhibit this siding. The majority of the west wall and part of the addition exhibit faux brick asbestos siding. The addition also exhibits simple drop, wood and plywood board siding. The residence has a hip roof covered with asphalt shingles, closed eaves, and a brick chimney extending from the roof ridgeline. In contrast, the addition has a corrugated metal shed roof. The front door of the residence is made of wood and exhibits one fixed window; this door is not original to the home. The addition door consists of a sheet of plywood. The front, or east wall, of the residence exhibits one six by six-light sliding window on either side of the front door. The south wall exhibits one modern vertical sliding window and the west wall exhibits two double-hung windows covered with four-light storm windows. The north wall of the addition has two six-light windows. The front of the residence has been modified for use as a post office with the addition of a concrete parking pad, a concrete ramp with metal railing, and a set of concrete steps to the front door.

Feature 2 is a rectangular wood frame shed that measures 10 ft. x 8 ft. and appears to have no foundation. The shed has simple drop siding, and the front-gable roof exhibits open eaves and is covered with corrugated metal. The front entryway is found on the west wall and the door is missing. The shed is currently full of household debris. The east wall exhibits a cutout that is covered with a 26 in. x 26 in. hinged door made from the cutout siding. This cutout may suggest use as a hen house.

Feature 3 is a rectangular wood frame garage that measures 12 ft. x 20 ft. and is clad with simple drop siding. The hip roof is covered with corrugated metal. The south wall exhibits a sliding garage door constructed from simple drop siding. The east wall has one four-light window and a man door opening has been cut into the siding. This opening is covered with a hinged door constructed of the cutout siding. The north wall exhibits one six-light window and the west wall features no windows.

Feature 4 is a square wood frame outhouse that measures 5 ft. x 5 ft. Although the Montana Cadastral property record card does not list this outbuilding, the similarity to features 1, 2 and 3 suggest the outhouse was constructed in 1915. The single-hole outhouse rests on a foundation of railroad ties. The building is clad with simple drop siding and the front-gable roof exhibits open eaves and is covered with asphalt shingles. The east wall features a hinged outhouse door constructed of vertical wood board. The south wall exhibits a high cutout opening fitted with a piece of glass, now broken.

Feature 5 is a shed that appears to have been relocated against the north wall of Feature 3. The shed is beginning to fall apart but appears to measure 6 ft. x 4.5 ft. The shed walls are covered with shiplap siding and the shed roof is covered with asphalt shingles. A door constructed of vertical wood board is found in the east wall. The construction date is not known.

In addition to the above features, the property has a single wide mobile home, manufactured in 1979.

Historic Context of 24FR1276

A Land Patent for a cash sale was issued to Janet Shiell for the NW1/4 of Section 10, T12N, R15E on January 30, 1899 under the authority of the Land Act of 1820, enacted April 24, 1820. Janet and William B. Shiell transferred ownership of the W1/2NW1/4 to the Buffalo Townsite Company on July 30, 1908. The company sold the current property to Frank Shannon on Oct. 31, 1913. Frank and Mary Shannon held onto the property for ten years before selling to A. Jackson on March 22, 1923. A. Jackson retained ownership for 30 years and sold to Bessie Dover on August 3, 1953. Ms. Dover quickly sold the property to Charles Parnell on Feb. 6, 1954, and then Charles and Ruth Parnell sold to John Lilley on Aug. 21, 1954. Mr. Lilley was also a long-term owner and on July 1, 1982, Amanda Lilley, Conservator for John Lilley, a protected person, conveyed ownership to Lewis and Caroline Philpott. The Philpotts sold the property to Robert E. and Barbara Grove on Dec. 10, 1999. Robert E. Grove passed away in 2009 and a Deed of Distribution from the Estate of Robert E. Grove transferred title to Barbara Grove on Aug. 12, 2009. The property's last legal document is a Quit Claim Deed from Barbara Grove to Robert Grove, dated Aug. 24, 2015. Robert Grove is likely the son of Robert E. and Barbara Grove.

The town of Buffalo began as a post office in 1890 (Cheney 1996) and was named by William Shiell, a homesteader on nearby Buffalo Creek, for the bison wandering the grasslands. Emery Philbrick, a member of a pioneer family, was the first postmaster of the post office located on the Thomas Gregory ranch (Penkake 1973). The post office was discontinued by 1903 but reestablished after the Great Northern Railroad extended its line to Billings in 1908 and Buffalo became a railroad station. To establish the town of Buffalo, William and Janet Shiell transferred ownership of some of their property in Section 10 to the Buffalo Townsite Company. The post office appears to be located in the Gageby store in the early 1910s but was moved to the former bank building, then a hardware store, by 1929 (Sanborn map of Buffalo). According to Barbara Grove, current Post Mistress of Buffalo's Post Office, the residence at Site 24FR1276 did not start operating as a post office until the early 1990s.

It appears the buildings were constructed during the ownership of Frank and Mary Shannon around 1915 and functioned as a residence in the town of Buffalo for nearly 80 years. The residence was converted for use as a post office in the early 1990s.

24FR1276 National Register Eligibility and Project Effects

Site 24FR1276 is recommended not eligible for listing on the NRHP under Criteria A, B, C or D. Although the town of Buffalo played a role in Euro-American settlement of the Judith Basin and the era of farm prosperity from 1900 to 1920, no information could be found on the historic residence that suggests it represents an important site

during this historic period (Criterion A). The property also changed hands many times and none of the owners associated with the historic residence is considered an important person in the region's history (Criterion B). Additionally, site buildings do not display unique architectural characteristics or suggest the work of a master (Criterion C). Finally, Site 24FR1276 has not been tested for subsurface cultural remains so no determination of site eligibility under Criteria D (ability to contribute important information to the region's history) can be made.

The site retains integrity of location and setting as the primary buildings are in their original location and the site's setting still reflects an agricultural environment. However, integrity of design, feeling, and association have been partially compromised as other buildings (a shed and mobile home) have been brought onto the property, disrupting a clear picture of the property's original design. The intrusion of the modern mobile home also affects the historic feeling and association of this site. Integrity of workmanship and materials has also been affected as the buildings are in poor shape and the residence has been re-sided with several different cladding materials.

As site 24FR1276 is recommended not eligible for listing in the NRHP, project construction activities cannot have an effect on this site.

4.2.2 Site 24FR1277 (First State Bank of Buffalo)

This site consists of the First State Bank of Buffalo located in the town of Buffalo, Montana **(Figure 4, Appendix A)**. The Neoclassical Revival brick building was constructed in 1910 during the homestead boom and a time of agricultural prosperity. By the early 1920s, the bank was in financial trouble and in 1923 the bank closed. In the late 1920s, the bank building was used as a hardware store. It is believed the wood frame addition at the back of the bank was constructed during the hardware store occupation. The building is not currently occupied and the interior is filled with debris. The addition is collapsing and debris is found along the bank's exterior.

Figure 4. Overview of Site 24FR1277, View to the Southwest.

The bank building was constructed in the Neoclassical Revival style common in the late 1880s to the early 1920s. This type of architecture draws heavily from classically inspired detailing. The bank was constructed in 1910 and measures 26 ft. east-west by 52 ft. north-south. It stands on a poured concrete full basement foundation. A nearly flat roof encircled by a brick parapet tops the building; unfortunately, much of the parapet no longer remains. A brick entablature featuring a running bond pattern lies beneath the parapet on the south and west walls, below which occur a series of block modillions.

The front or west facade features 5 bays separated by brick pilasters. Many of the bays are infilled with brick or wood boards, though they likely contained glass or entrances when the bank operated. The presence of multi-light transoms in several of the bays indicate such transoms once appeared in all the bays. Headers of red soldier brick top the bays, above which occurs tan brick merging with the modillions and entablature above.

The all-brick building features tan brick on the west and south elevations and red brick on the north and east walls. All walls of the building feature running bond pattern. Brick quoining appears on the corners of the front facade. Small square red brick accents consisting of three soldier bricks appear near the top of each pilaster. Further accents appear from small segments of red running brick at the juncture of the pilaster and the bottom of the entablature.

The front facade has two entrances with wood panel doors that are in poor condition. A hole in the northernmost door allows a look inside the bank, which is full of debris. The interior also contains the original Victor Safe & Lock Co. safe and portions of the bank's blue ceramic tile floor. The bank's north wall also features an entryway that has been covered over in brick.

The bank's west wall exhibits a wood frame addition that consists of a northern and a southern section. The addition's northern part is collapsing but measurements appear to be 26 ft. north-south by 26 ft. east-west. The roof style cannot be determined but rafters are visible and the addition is clad with shiplap siding. The interior of the northern part exhibits a tongue-and-groove ceiling and a metal pulley system is attached to the ceiling. The southern part of the addition measures 17 ft. by 17 ft. and is clad with tongue-and-groove siding. Once again, roof style cannot be determined. It is speculated the addition was constructed during the hardware store occupation.

A concrete pad is located on the west side of the wood frame addition. Collapsed building materials cover the pad and metal gas/water pipes were observed protruding from the concrete pad.

Historic Context of 24FR1277

The First State Bank of Buffalo is located on Lot 18, SWNW1/4 of Section 10, T12N, R15E. Janet Shiell became the first property owner of the NW1/4 of Section 10 when a Land Patent for a cash sale was issued to Ms. Shiell on January 30, 1899 under the authority of the Land Act of 1820.

The bank is first mentioned in the October 1, 1909 edition of the Harlowton News when a notice appeared announcing the thriving little town of Buffalo was to have a bank known as the First State Bank of Buffalo. The bank was organized September 16, 1909 and the list of stockholders included S.S. Hobson, Josiah Popejoy, B.C. White, W.B. Shiell, W.M. Buckes, C.A. Gageny, A.C. Greene, O.W. Belden, and J.M. Miller. The bank was to be capitalized at $20,000.

The December 7, 1910 edition of the Fergus County Democrat newspaper ran a notice that the new building of the First State Bank of Buffalo would be ready for occupancy December 3, 1910. The notice also stated "The interior decorations and the bank fixtures are said to be the finest of the kind in any town of this size in the state. The safe is made of solid Manganese steel and is of the latest model made by the Victor Safe Co. It weighs seven thousand pounds."

Although the bank was built in 1910, Janet and William B. Shiell didn't transfer ownership of Lot 18 to the First State Bank of Buffalo until Nov, 1, 1917. By that time, the bank may have already been in financial trouble as the homestead boom was on the decline. The bank closed in 1923 (Penkake 1973) and notices begin to appear in

The Moore Independent in April 1924 that all creditors and persons having claims against the First State Bank of Buffalo should present their claims to the Receiver within three months or their claims could be disallowed.

Next, in February 1928, the Moore Independent published notices that concerned the State of Montana, Plaintiff, vs. the First State Bank of Buffalo, Defendant. The bank's Receiver had filed a petition to sell all of the real estate remaining in the bank's trust. A judge in the District Court of the Tenth Judicial District requested all persons interested in the bank trust should appear before the court on February 23, 1928 to show cause why the petition should not be approved.

The next legal document concerning Lot 18 is a Receiver's Deed from First State Bank of Buffalo to Selleck Mercantile Company, dated July 28, 1928. After this date, the bank is converted to a hardware store as depicted in the 1929 Sanborn map of Buffalo. The hardware store also housed the town's post office. It appears the Selleck Mercantile Co. failed to pay their taxes as a Tax Deed was issued June 24, 1939 that transferred ownership to Fergus County. However, Fergus County sold the property to Daniel J. Selleck on Feb. 20, 1946 so the hardware store may have continued as a business.

Daniel and Mary Selleck sold Lot 18 to Lester and Doris Crabtree on Dec. 7, 1949. It is not known if the Crabtrees continued with the hardware business but Lester did install cold storage meat lockers on the property (Penkake 1973). On Nov. 15, 1955, the Crabtrees sign a Quit Claim Deed in favor of Ralph and Elizabeth Wetzel. Ralph made an attempt to continue the cold storage business (Penkake 1973), but apparently property taxes were not paid as the Wetzels lost the property to Fergus County via a Tax Deed dated July 27, 1967. Harvey and Marie Hahn bought the property from Fergus County on Sept. 11, 1972 and on Oct. 13, 1972, the Hahns sign a Quit Claim Deed in favor of Donald Hahn, the current property owner.

24FR1277 National Register Eligibility and Project Effects

Site 24FR1277 is recommended eligible for listing in the NRHP under Criterion A as the First State Bank of Buffalo is associated with the homestead boom in Montana, which was driven by several federal laws that permitted settlement of public domain land. In the Judith Basin area, the years between 1900 and 1920 are considered the golden age of agriculture as dry land farm values quadrupled. Farmers became prosperous as rain was plentiful and grain prices were high with the advent of World War I in Europe. The arrival of the Great Northern and construction of a railroad station in 1912 also contributed to the growth and optimisim of townspeople in Buffalo. The First State Bank of Buffalo, a well-built brick building of Neoclassical Revival design, was constructed as a testament to the town's optimisim and faith that their town would continue to grow and prosper.

Site 24FR1277 is not recommended eligible to the NRHP under Criterion B. Although the bank was founded by members of local pioneer families, no documentation could be found that demonstrated any of these men were important to history or had a continued association with the bank.

Under Criterion C, a site may be eligible for the NRHP if the property embodies distintive characteristics of a type, period, or method of construction. Site 24FR1277 qualifies under this definition as the Neoclassical Revival bank style was an architectural type employed at several small towns in central Montana during the early 1900s. Similar examples of this bank style are seen in the towns of Chester, Harlowton, Stanford, and Two Dot.

To date, Site 24FR1277 has not been tested for subsurface cultural remains so no determination of site eligibility under Criteria D (ability to contribute important information to the region's history) can be made.

This site retains integrity of location and setting as the bank remains in its original location and the site's setting still reflects an agricultural environment. The wood frame addition to the back of the bank has partially compromised integrity of design, feeling and association; however, the addition does not distract from the overall impression that a solid, long-lasting brick building was constructed to meet the needs of a thriving agricultural town. Integrity of materials and workmanship has also suffered some impacts as the bank parapet is nearly gone, windows are boarded over, and the addition is collapsing. Although Site 24FR1277 has suffered some integrity

impacts, the bank building still conveys a sense of design, feeling, materials, workmanship, and association and remains readily identifiable as a bank.

The proposed water pipeline lies between the bank building and 1st St. W. Construction activities should avoid any contact with Site 24FR1277. If construction work and equipment is limited to the road area and open lots around the bank building, the MJRWS pipeline project will have no effect on Site 24FR1277.

4.2.3 Site 24FR655 (Town of Garneill)

This site represents the town of Garneill originally recorded by Brownell and McCormick (1987) during a Montana Power Company project. Brownell and McCormick documented two occupied residences, a community center, and numerous abandoned buildings and outbuildings. The 2017 inventory revisited only those buildings and structures within the current water pipeline corridor to document any changes between the 1987 and 2017 inventories **(Appendix A)**.

Block 1, Property 1 (Outbuildings), Feature 1 (Shed) and Feature 2 (Shed): Feature 1 consisted of a wood frame shed measuring 8 feet (east-west) by 16 feet (north-south), and Feature 2 was a post-and-beam shed measuring 12 feet (east-west) by 16 feet (north-south). The current inventory determined both sheds have been removed and a new metal sided rectangular building constructed in the area.

Block 2, Property 1 (Residence), Feature 1 (House) and Feature 2 (Shed): Feature 1 consisted of a one-story house that measured 20 feet by 20 feet, and Feature 2 was a wood frame shed that measured 16 feet by 10 feet. The 2017 inventory observed the house and shed have been removed; only the house's concrete foundation remains.

Block 2, Property 2 (Residence), Feature 1 (Log House) and Feature 2 (Shed): Feature 1, the log house, had been constructed of hewn logs joined by half dovetail notching. Feature 2, a shed, was a 5 feet square wood frame building. The current inventory noted the log house and shed have been dismantled. Remaining building parts include the wood plank floors of the house and shed, and a single wall from the shed.

Block 3, Property 1 (Commercial), Feature 1 (Commercial Block): Feature 1 is still standing and consists of a wood frame rectangular building constructed in 1910. The building measures 27 feet by 52 feet and rests on a concrete foundation. The exterior is sided with brick laid in a running bond pattern, and the flat roof has a three-sided parapet. The storefront was renovated in the 1980s with new doors, windows, and a full-length front porch **(Figure 5)**. This building originally housed the Manley General Store but now functions as a community center. It appears Feature 1 has not changed since the 1987 documentation.

Block 6, Property 1 (Residence), Feature 1 (House), Feature 2 (Shed) and Feature 3 (Shed): The house consists of a one-story wood frame building constructed in 1910 and remodeled with a rear addition in 1965. The building rests on a partial basement and features composition board siding and a side-gable roof. Feature 1 is currently occupied and appears to be in good condition, similar to its condition in 1987. The two sheds, both wood frame buildings, were removed after 1987.

Block 7, Property 1 (Residence), Feature 1 (House), Feature 2 (Teacherage), Feature 3 (Grain Bin), Feature 4 (Shed) and Feature 5 (Quonset Hut): Feature 1, originally built as a two-room schoolhouse in 1947, was remodeled with several additions between 1962 and 1984. The wood frame building is used as a house and is currently occupied.

Feature 2 was constructed in 1910 and originally functioned as a teacherage. The building consists of three wood frame buildings joined together to form a rectangular structure that measures 14 feet by 42 feet. The building features lapped siding, a side-gable roof, and rests on a concrete foundation. In 1987, Feature 2 was used for storage.

Feature 3, the grain bin, was built in 1956 and is a circular, metal structure that stands 16 feet in height.

Feature 4 is a post-and-beam frame building that measures 30 feet by 40 feet, has a low pitched shed roof, and rests on a concrete slab foundation. This building is used as a garage and machine shed.

Figure 5. Former Manley Grocery Store, View to the Southwest

Feature 5, the Quonset hut, is a steel frame structure that measures 80 feet by 40 feet. The structure is clad with corrugated metal and sits on a concrete foundation.

The 2017 inventory determined all features on this property are still present and appear unchanged since 1987.

Block 8, Property 1 (Outbuildings), Feature 1 (Shed), Feature 2 (Barn), Feature 3 (Garage), Feature 4 (Shed) and Feature 5 (Shed): Feature 1 consists of a wood frame building with vertical board-and-batten siding, a gable roof, and a foundation of wood sills. The building is used as a storage shed and measures 16 feet by 32 feet.

Feature 2 is a large rectangular barn that measures 80 feet by 40 feet. The post-and-beam frame building has composition board siding, a gable roof, and a concrete foundation. Built in 1983, the barn is used to shelter livestock.

Feature 3 is a garage that measures 25 feet by 20 feet. This wood frame building features beveled shiplap siding and a gable roof.

Feature 4 consists of a wood frame shed that measures 10 foot square. Tarpaper covers the original horizontal plank siding and a wood vent protrudes from the tarpapered shed roof.

Feature 5 is another wood frame shed that measures 8 feet by 10 ft. The shed is clad with horizontal planking, has a gable roof, and rests on a foundation of wood sills.

The current inventory determined that all features on this property remain standing and Features 1, 2 and 3 appear as originally described in 1987. Feature 4 currently exhibits a gable roof covered with corrugated metal and a brick chimney protrudes from the east gable. Feature 5 has been re-sided with corrugated metal.

Historic Context of 24FR655

Frank B. Hassett filed and platted the original townsite of Garneill in September 1899. The townsite consisted of 20 acres and was divided into six blocks on a north/south grid. Before the railroad arrived in 1903, the town operated as two separate entities, North Garneill and South Garneill. The north half was dry and property deeds contained a reverter clause which stated property could not be used for saloon purposes or as a store location selling wines or liqueurs. If such activity occurred, the property title would revert back to the original owner. South Garneill began as an alternative to this restriction and the small town soon boasted three saloons and a hotel.

When the railroad arrived in 1903, a station was built on the westside of Garneill that was named Ubet after a popular stagecoach station located a few miles to the west. Garneill now consisted of three towns: the railroad town of Ubet, the dry North Garneill and the “wet” South Garneill (Cheney 1996). Ubet was platted as the townsite of West Garneill in 1908 and most businesses, a church, and the school moved to this location by 1914. However, the decline of the homestead boom and the advent of a 20-year drought cycle greatly affected the Garneill community. By the 1920s, the town began to decline and today, only the railroad area and the north town exist as Garneill.

24FR655 National Register Eligibility and Project Effects

Brownell and McCormick (1987) recommended the town of Garneill not eligible for listing in the NRHP due to an overall loss of integrity. Brownell and McCormick wrote the town no longer conveyed its original historic appearance or character. Many of the historic buildings no longer remain, either through removal or neglect, and most of those that do remain have undergone extensive alteration. Tetra Tech agrees with the original Brownell and McCormick assessment regarding the ineligibility of the town for listing in the NRHP.

Brownell and McCormick (1987) did recommend three buildings as “architecturally and historically significant”, including the Manley General Store, which now serves as a community center; a church; and a grain elevator. Tetra Tech agrees that the Manley General Store, the only building called out as “architecturally and historically significant” within the current proposed pipeline corridor, retains sufficient integrity to be considered eligible for listing in the NRHP. The use of the term “architecturally and historically significant” by Brownell and McCormick indicates significance under Criteria C and A. Tetra Tech concurs with this recommendation.

Site 24FR655, the town of Garneill, is recommended not eligible for listing in the NRHP; therefore, project construction activities cannot have an effect on this site. However, the Manley General Store is recommended eligible under Criteria A and C as it is considered historically and architecturally significant. The store lies on the west side of the road while the pipeline lies on the east side. If construction work and equipment is limited to the road area and adjacent open lots, the MJRWS pipeline project will have no effect on the historic Manley Grocery Store.

4.2.4 Sites 24WL128 and 24WL222 (the Milwaukee Road)

Sites 24WL128 and 24WL222 both represent the Chicago, Milwaukee, Saint Paul and Pacific railroad, commonly known as the Milwaukee Road, in Wheatland County. Site 24WL128 represents the railroad’s entire route in Wheatland County. This site was originally recorded in 1985 and various railroad segments have been updated

nine times between 1991 and 2012. Site 24WL222, originally recorded in 2001, represents about 2.5 miles of abandoned railroad grade beginning on US Highway 12, at the eastern edge of Harlowton, and trending north along Old Gap Road (Axline 2001).

The proposed water pipeline is slated to be buried within the existing railroad bed for a 5-mile length in T9N, R15E, Sections 27 and 34; and in T8N, R15E, Sections 2, 11, 14, 15, and 22. The site boundary for 24WL128 covers this entire 5-mile length while the boundary for Site 24WL222 covers a little over one mile. For the purpose of the current MJRWS project, a site form update was solely performed for 24WL128 **(Appendix A)**. Additionally, the upcoming discussion on NRHP eligibility and project effects only focuses on Site 24WL128.

Historic Context of the Milwaukee Road

The Milwaukee Road takes its name from the railroad's starting location in Milwaukee, Wisconsin. Construction began in 1850 and by the 1880s, rail lines were well established in the Midwest. However, rail line competition was fierce and by the 1890s, the Milwaukee Road's directors realized they needed to extend their line to the Pacific to remain competitive with the Great Northern and Northern Pacific railroads. Construction of the Milwaukee Road's main line through Montana began in 1906 and was completed by 1909 (Ethos 1995). In order to expand its service area, the Milwaukee Road often bought smaller, privately-owned rail lines rather than construct new lines. In January 1910, the Milwaukee Road purchased the "Jawbone" line from Richard Austin Harlow for $3.5 million (Lewis 2004).

The Jawbone's story began in 1894 when Harlow created the Montana Railroad Company to provide rail transportation services to farmers and ranchers in the prosperous Judith Basin area. The nickname "Jawbone" was a nod to Harlow's ability to fast talk his men to keep them working rather than paying the men wages. Construction on the railroad began in 1895 at Lombard, about 50 miles east of Helena and by 1900, the Jawbone extended east to the present-day town of Harlowton. From Harlowton, the line turned north and by 1903, construction crews reached Ubet (now known as Garneill).

The Milwaukee Road's east-west line was completed in 1909, effectively ending 30 years of mainline construction in Montana (Malone and Roeder 1976). Together, the Milwaukee Road and other railroads literally transformed the state as they encouraged development of major Montana industries like mining, timber, and agriculture. The railroads were also responsible for the establishment of important new cities like Great Falls and Billings, and for giving new life to established towns like Butte, Miles City, Bozeman, and Missoula.

Despite the important role the railroad played in the state's history, Montanans began to rely on other transportation methods by the mid-20th century. Railroad revenues declined and in 1977, the Chicago, Milwaukee, Saint Paul and Pacific railroad declared bankruptcy. The Milwaukee Road ceased to operate in 1980 and the tracks were subsequently removed.

24WL128 National Register Eligibility and Project Effects

Site 24WL128 has been determined eligible for listing in the NRHP under Criteria A and B. The railroad played a significant role in both local history and the history of Montana. Additionally, the branch line from Lewistown to Harlowton was constructed and originally owned by Richard Harlow, a colorful man who played an important role in the development of central Montana (Ethos 1995).

The overall integrity of this 5-mile segment of Site 24WL128 has been compromised as the railroad tracks were removed after the railroad company halted operations in 1980. However, the railroad bed remains visible in areas undisturbed by subsequent development and can be easily recognized as the bed rises two to four feet above surrounding fields **(Figure 6)**. As such, the site retains integrity of location and setting, but integrity of design, materials, workmanship, feeling, and association have been diminished.

The proposed water pipeline is designed to be buried within a 5-mile segment of the existing railroad bed using typical open cut methods. After the trench is excavated, bedding and piping will be placed and the trench will be

backfilled. Project specifications require the site be restored to pre-construction conditions (Collette Anderson, personal communication, 2017).

An evaluation of MJRWS project effects on Site 24WL128 is uncertain. Although site integrity has been compromised by railroad closure activities, including the removal of the tracks, the historic alignment retains sufficient integrity for a recommendation of NRHP eligibility. Current project specifications require site restoration to pre-construction conditions; however, the 5-mile length of the proposed pipeline installation within the railroad bed is considerable, suggesting the possibility of unforeseen circumstances preventing a full restoration. This is especially true considering several features originally associated with the railroad bed, i.e., bridge pilings, that will not likely be returned to their pre-construction state. The MJRWS project has the potential to cause adverse effects to the integrity of Site 24WL128. Consultation between the CMRWA and Montana SHPO should occur to ascertain project effects, and if adverse effects are identified, a site mitigation discussion should follow.

Figure 6. Overview of Milwaukee Road Railroad Bed and Bridge Pilings, View of the North

5.0 SUMMARY AND RECOMMENDATIONS

Phase 1 of the proposed MJRWS extends 29 miles north-south between the small community of Buffalo and Harlowton, Montana. The water pipeline also extends 3.7 miles west-east to the community of Garneill and 3 miles west-east to Judith Gap. The pipeline corridor crosses privately owned lands in Wheatland, Judith Basin, and Fergus counties. Access permission had not been obtained for three pipeline segments when Tetra Tech's cultural resource inventory began in July 2017. As such, Tetra Tech examined 26.8 miles (195 acres) of the

proposed 60-foot wide pipeline corridor. Inventory work identified two new historic sites, 24FR1276 and 24FR1277. Additionally, previously recorded sites 24FR655, the town of Garneill, and 24WL128, the Milwaukee Road, were re-visited. All sites were documented, and evaluated for NRHP eligibility and project effects.

Sites 24FR1276, an historic residence in Buffalo, and 24FR655, the townsite of Garneill, are recommended as not eligible to the NRHP under Criteria A-D. With an ineligible evaluation, no impact analysis was conducted as the MJRWS pipeline project would not have an effect on these properties. An exception to this statement occurs within the town of Garneill. The building that originally housed the Manley Grocery Store is considered historically and architecturally significant and should be avoided by construction work. If construction activities are confined to the road area and adjacent open lots, the MJRWS pipeline project will have no effect on the Manley Grocery Store building.

Sites 24FR1277, the First State Bank of Buffalo, and 24WL128, the Milwaukee Road, are recommended eligible to the NRHP under Criteria A and C, and Criteria A and B, respectively. At Site 24FR1277, the proposed water pipeline lies between the bank building and 1st St. W. If construction activities avoid this site by confining work and equipment to the road area and open lots around the bank building, the MJRWS pipeline project will have no effect on Site 24FR1277.

For a 5-mile length of Site 24WL128, the proposed water pipeline is designed to be buried within the existing railroad bed. Although restoration to pre-construction conditions is planned, the considerable length of pipeline installation along the Milwaukee Road suggests adverse effects are possible. Consultation between the CMRWA and Montana SHPO should occur to ascertain project effects. If adverse effects are identified, site mitigation is required.

No prehistoric sites were encountered during the 2017 pedestrian inventory but the file search identified a possible lithic scatter outside the pipeline corridor near Harlowton and the Musselshell River. Ethnographic research has also documented use of the project vicinity by various tribes hunting bison. The area is known to have been attractive to prehistoric populations, but a century of agriculture appears to have removed evidence of their presence. A local resident related that farmers and ranchers have not reported finding any prehistoric artifacts for decades.

In summary, the 2017 cultural resource inventory identified two historic sites, 24FR1276 and 24FR655, recommended not eligible for the NRHP. The MJRWS pipeline project cannot have an effect on these ineligible historic properties and no further cultural resource work is recommended. However, the former Manley Grocery Store, within the boundary of Site 24FR655, is considered historically and architecturally significant and pipeline construction work should avoid this building. Sites 24FR1277 and 24WL128 are recommended eligible to the NRHP. If construction work and equipment avoid 24FR1277, the MJRWS will cause no effect to this property and no further work is recommended. Adverse effects are possible for a 5-mile length of 24WL128/24WL222 slated for pipeline construction. Consultation between the CMRWA and Montana SHPO is recommended to determine the existence of adverse effects. As mentioned above, prehistoric populations did favor the project area, and pipeline construction work may disturb buried prehistoric sites in the future. In conclusion, if any prehistoric/historic cultural materials are uncovered by pipeline construction, work should cease in the area and the Montana SHPO should be notified.

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APPENDIX A

SITE FORMS

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

1. IDENTIFICATION

1.1 Smithsonian Number: 24FR1276 **1.2 Field Designation:** WP-1

1.3 Project Name: Central Montana Regional Water Authority Pipeline

1.4 Agency Project Number: **1.5 Consultant Project Number:**

2. LOCATION

2.1 Township/Range: T12 N, R15 E, Section 10**; ¼ Section(s):** NWNWNW **2.2 County:** Fergus Co.

2.3 UTM Coordinates: Zone 12 E 589393m; N 5186080m, House/Post Office **Datum used:** ☒NAD 83 conus

2.4 Administrative/Surface Ownership: Private

2.5 7.5' USGS Map Name, Date: Buffalo, Mt 1970

2.6 Narrative of access: From the intersection of Highways 12 and 191 (eastside of Harlowton), drive north on Highway 191 for about 28 miles and turn west onto Buffalo Canyon Road. Drive west about 3 miles and turn south onto 1st St. W. This site is the first property on the west side of the road at the intersection of 1st St. N and 2nd Ave. N.

2.7 Vicinity of (city/town): Buffalo, Mt

3. DESCRIPTION

3.1 Site Type: Historic Residence

3.2 Site Time Period (use dropdowns)**:** **Prehistoric:** **Historic:** Historic More Than One Decade

Paleontological: **Combination:** ☐ **Unknown:** ☐

3.3 Narrative Description of Site: This site represents a historic residence in the town of Buffalo, Montana, consisting of five historic buildings and a mobile home. Four of the historic buildings (a residence, shed, garage, and outhouse) appear to have been constructed in 1915 and the fifth building, a shed, appears to have been moved onto the property and placed against the garage. The residence has been used as Buffalo's Post Office since the early 1990s (Barbara Grove, person communication).

3.4 Site Dimensions: **Surface visibility:**

3.5 Feature Descriptions:

3.6 Artifacts: (✔ all that apply) ☐Chipped Stone ☐Wood ☐Ground Stone ☐Ceramics ☐Bone ☐Trade ☐Other

Description:

3.7 Diagnostic Artifacts:

3.8 Subsurface Testing:

3.9 Site function/interpretation:

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

4: ENVIRONMENTAL SETTING

4.1 Geographic Setting: Grasslands between Little Belt and Big Snowy Mountains.

4.2 Contour: ☒ Known ☐ Approximate ☐ Unknown **4.3 Elevation:** 4315 ft. ft

4.4 View/Aspect: Open

4.5 Sediments: Clay loam

Deposition: ☒ Surface Only ☐ Buried Only ☐ Surface and Buried ☐ Redeposited ☐ Other

4.6 Available Water Source: Well

4.7 Major River Drainage: Judith River, 13.3 miles to the North, 3980 ft. elevation

4.8 Minor Drainage: West Buffalo Creek, 0.5 mile to the Northwest, 4330 ft. elevation

4.9 Local Vegetation: Other (Farmland, Cultivated) **Regional Vegetation:** Other (Farmland, Cultivated)

5. ASSESSMENT, RECORDING & MANAGEMENT

5.1 Significance: Site 24FR1276 is recommended not eligible for listing on the National Register of Historic Places under Criteria A, B, C or D. Although the town of Buffalo played a role in Euro-American settlement of the Judith Basin and the era of farm prosperity from 1900 to 1920, no information could be found on the historic residence that suggests it represents an important site during this historic period (Criterion A). The property also changed hands many times and none of the owners associated with the historic residence is considered an important person in the region's history (Criterion B). Additionally, site buildings do not display unique architectural characteristics or suggest the work of a master (Criterion C), and it is unlikely the site can contribute important information to the region's history (Criterion D).

5.2 Condition/Integrity: The site retains integrity of location and setting as the primary buildings are in their original location and the site's setting still reflects an agricultural environment. However, integrity of design, feeling, and association have been partially compromised as other buildings (a shed and mobile home) have been brought onto the property, disrupting a clear picture of the property's original design. The intrusion of the modern mobile home also affects the historic feeling and association of this site. Integrity of workmanship and materials has also been affected as the buildings are in poor shape and the residence has been re-sided with several different cladding materials.

5.3 Possible impacts to site: The proposed water pipeline lies in between the site buildings and the road so pipeline construction will not disturb this site.

5.4 Evaluation: Does this property meet National Register criteria for eligibility? ☐ **Yes** ☐ **No** ☒ **Unevaluated**

Evaluation Procedures/Justification: Site does not qualify under Criteria A, B, C, or D, and integrity has been compromised.

5.5 Recording status: ☒ surface examination ☒ photo ☒ map ☐ subsurface tested

5.6 Recommendations (use dropdown)**:** No Further Work

Comments:

5.7 Site Located by: Lynn M. Peterson **Date Located:** July 24, 2017

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

5.8 Site Recorded by: Lynn M. Peterson **Date Recorded:** July 24, 2017

5.9 Site form update and revisions by: **Date Updated:**

5.10 Federal/State Permit No:

5.11 Publication(s)/Report(s) where site is described: A Cultural Resource Inventory for the Musselshell-Judith Rural Water System, Phase 1, in Wheatland, Judith Basin, and Fergus Counties, Montana

5.12 Artifact Repository: NA

5.13 Field notes/maps/photos repository: Tetra Tech, 303 Irene St., Helena, MT

6. DESCRIPTION OF HISTORIC SITES

6.1 Property boundaries:

180 ft. (N-S) x 156 ft (E-W) **: estimated** **: measured**

Boundary justification: Property boundary described by owner.

6.2 Physical description of buildings/ structures/ features; dates of construction and major alterations; contribution of building/ structure to property significance: Feature 1 is a historic residence, built in 1915 (Montana Cadastral, n.d.), that now functions as a post office for the town of Buffalo, MT. The residence is a square, wood frame building that measures 28 ft. x 28 ft. and rests on a concrete foundation. A rectangular shed addition was constructed on the north side of the residence that measures 8 ft. x 28 ft. This addition also projects an almost square entryway that measures 4 ft. x 4.25 ft. It appears simple drop siding was the original cladding material and now only the east, south, and part of the west wall of the residence exhibit this siding. The majority of the west wall and part of the addition exhibit faux brick asbestos siding. The addition also exhibits simple drop, wood and plywood board siding. The residence has a hip roof with closed eaves that is covered with asphalt shingles and a brick chimney extends from the roof ridgeline. In contrast, the addition has a corrugated metal shed roof. The front door of the residence is made of wood and exhibits one fixed window; this door is not original to the home. The addition door consists of a sheet of plywood. The front or east wall of the residence exhibits one six by six-light sliding window on either side of the front door. The south wall exhibits one modern vertical sliding window and the west wall exhibits two double-hung windows covered with four-light storm windows. The north wall of the addition has two six-light windows. The front of the residence has been modified for use as a post office with the addition of a concrete parking pad, a concrete ramp with metal railing, and a set of concrete steps to the front door.

Feature 2 is a rectangular wood frame shed that was constructed in 1915 (Montana Cadastral, n.d.). The shed measures 10 ft. x 8 ft. and appears to have no foundation. The shed has simple drop siding, and the front-gable roof exhibits open eaves and is covered with corrugated metal. The front entryway is found on the west wall and the door is missing. The shed is currently full of household debris. The east wall exhibits a cutout that is covered with a 26 in. x 26 in. hinged door made from the cutout siding. This cutout may suggest use as a hen house.

Feature 3 is a rectangular wood frame garage that was built in 1915 (Montana Cadastral, n.d.). The garage measures 12 ft. x 20 ft. and is clad with simple drop siding. The hip roof is covered with corrugated metal. The south wall exhibits a sliding garage door constructed from simple drop siding. The east wall has one four-light window and a man door opening has been cut into the siding. This opening is covered with a hinged door constructed of the cutout siding. The north wall exhibits one six-light window and the west wall features no windows.

Feature 4 is a square wood frame outhouse that measures 5 ft. x 5 ft. Although the Montana Cadastral property record card does not list this outbuilding, the similarity to Features 1, 2 and 3 suggest the outhouse was constructed in 1915. The single-hole outhouse rests on a foundation of railroad ties. The building is clad with simple drop siding and the front-gable roof exhibits open eaves and is covered with asphalt shingles. The east wall features a hinged outhouse door which is constructed of vertical wood board. The south wall exhibits a high cutout opening that is fitted with a piece of glass, now broken.

Feature 5 is a shed that appears to have been relocated against the north wall of Feature 3. The shed is beginning to fall apart but appears to measure 6 ft. x 4.5 ft. The shed walls are covered with shiplap siding and the shed roof is covered with asphalt shingles. A door constructed of vertical wood board is found in the east wall. The construction date is not known.

In addition to the above features, the property has a single wide mobile home, manufactured in 1979.

6.3 Artifacts observed, collected: Assorted household debris, 55-gallon drum, metal wheelbarrow, and a 4-leg washing machine.

6.4 Subsurface Testing Methods and Results: NA

6.5 Historical Information and Context (footnote sources): A Land Patent for a cash sale was issued to Janet Shiell for the NW1/4 of Section 10, T12N, R15E on January 30, 1899 under the authority of the Land Act of 1820, enacted April 24, 1820. Janet and William B. Sheill transferred ownership of the W1/2NW1/4 to the Buffalo Townsite Company on July 30, 1908. The company sold the current property to Frank Shannon on Oct. 31, 1913. Frank and Mary Shannon held onto the property for ten years before selling to A. Jackson on March 22, 1923. A. Jackson retained ownership for 30 years and sold to Bessie Dover on August 3, 1953. Ms. Dover quickly sold the property to Charles Parnell on Feb. 6, 1954, and then Charles and Ruth Parnell sold to John Lilley on Aug. 21, 1954. Mr. Lilley was also a long-term owner and on July 1, 1982, Amanda Lilley, Conservator for John Lilley, a protected person, conveyed ownership to Lewis and Caroline Philpott. The Philpotts sold the property to Robert E. and Barbara Grove on Dec. 10, 1999. Robert E. Grove passed away in 2009 and a Deed of Distribution from the Estate of Robert E. Grove transferred title to Barbara Grove on Aug. 12, 2009. The property's last legal document is a Quit Claim Deed from Barbara Grove to Robert Grove, dated Aug. 24, 2015. Robert Grove is likely the son of Robert E. and Barbara Grove.

The town of Buffalo began as a post office in 1890 (Cheney1996) and was named for the bison wandering the grasslands by William Shiell, a homesteader on nearby Buffalo Creek. Emery Philbrick, a member of a pioneer family, was the first postmaster and the post office was located on the Thomas Gregory ranch (In the Shadow of the Twin Sisters 1973). The post office was discontinued by 1903 but was reestablished after the Great Northern Railroad extended its line to Billings in 1908 and Buffalo became a railroad station. To establish the town of Buffalo, William and Janet Shiell transferred ownership of some of their property in Section 10 to the Buffalo Townsite Company. The post office appears to be located in the Gageby store in the early 1910s but was moved to the former bank building, then a hardware store, by 1929 (Sanborn map of Buffalo). According to Barbara Grove, current Post Mistress of Buffalo's Post Office, the original residence at Site WP-1 did not start operating as a post office until the early 1990s.

It appears the buildings were constructed during the ownership of Frank and Mary Shannon around 1915 and functioned as a residence in the town of Buffalo for nearly 80 years. The residence was converted for use as a post office in the early 1990s.

6.6 Sources, files, people consulted: Property owner, Barbara Grove
Montana Cadastral website (http://svc.mt.gov/msl/mtcadastral/)
Fergus County Courthouse, Clerk and Recorder Office
Names on the Face of Montana, the Story of Montana's Place Names by Roberta Carkeek Cheney (1996)
In the Shadow of the Twin Sister, Montana Business Service, Lewistown, MT (1973).

7. ADDITIONAL INFORMATION

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

PHOTOGRAPHS

Feature 1, Residence/Post Office, View to the Southwest.

Feature 1, Residence/Post Office, View to the Northeast.

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

Feature 2, Shed, View to the Northeast.

Feature 2, Shed, View to the Southwest.

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

Feature 3, Garage, View to the Northeast.

Feature 3, Garage, View to the Southwest. Also view of Feature 5, a shed against the garage.

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

Feature 4, Outhouse, View to the Northwest.

Feature 4, Outhouse, View to the Southeast.

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

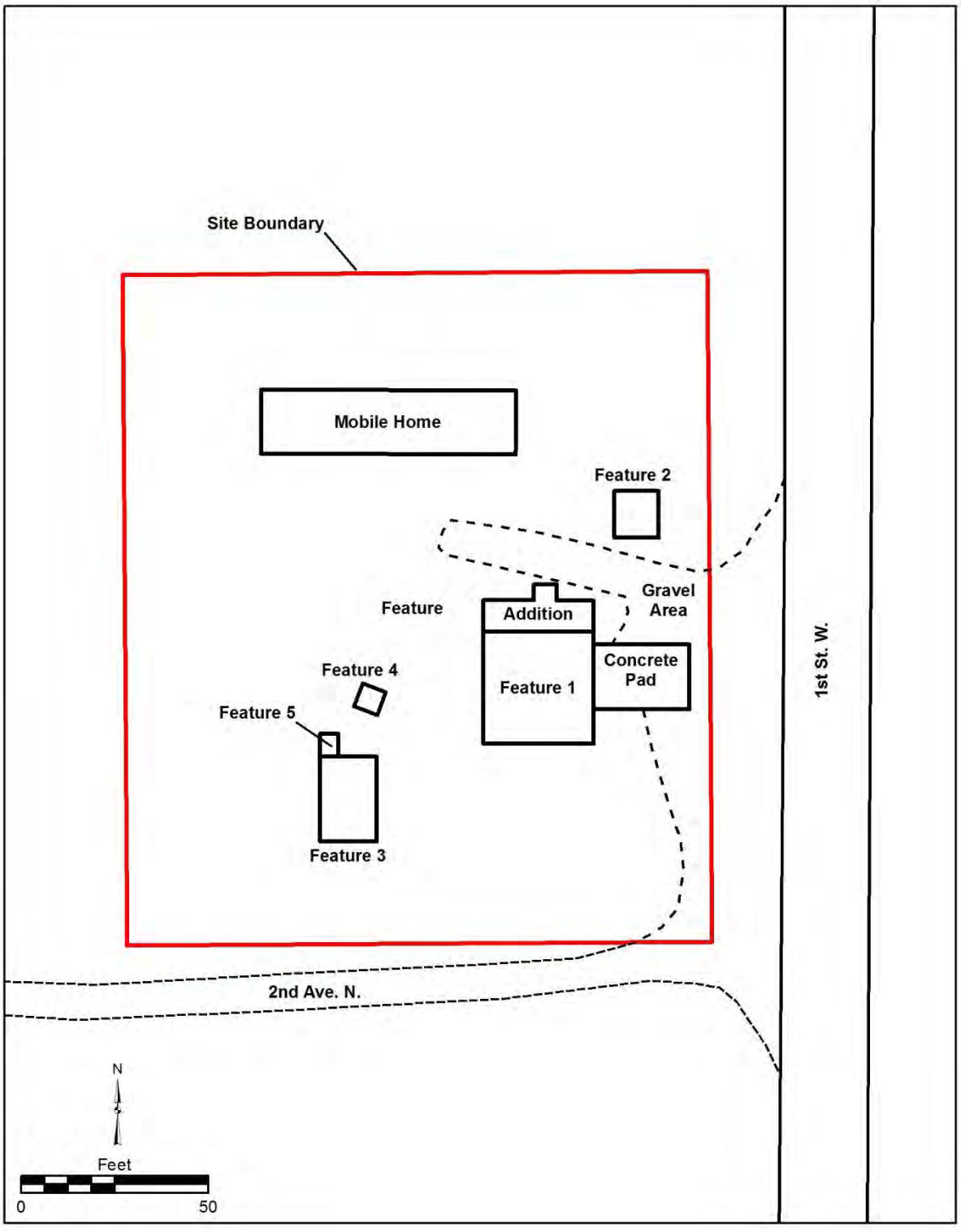
Feature 5, Back of Shed, View to the Southeast.

Site Overview, View to the Northwest.

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

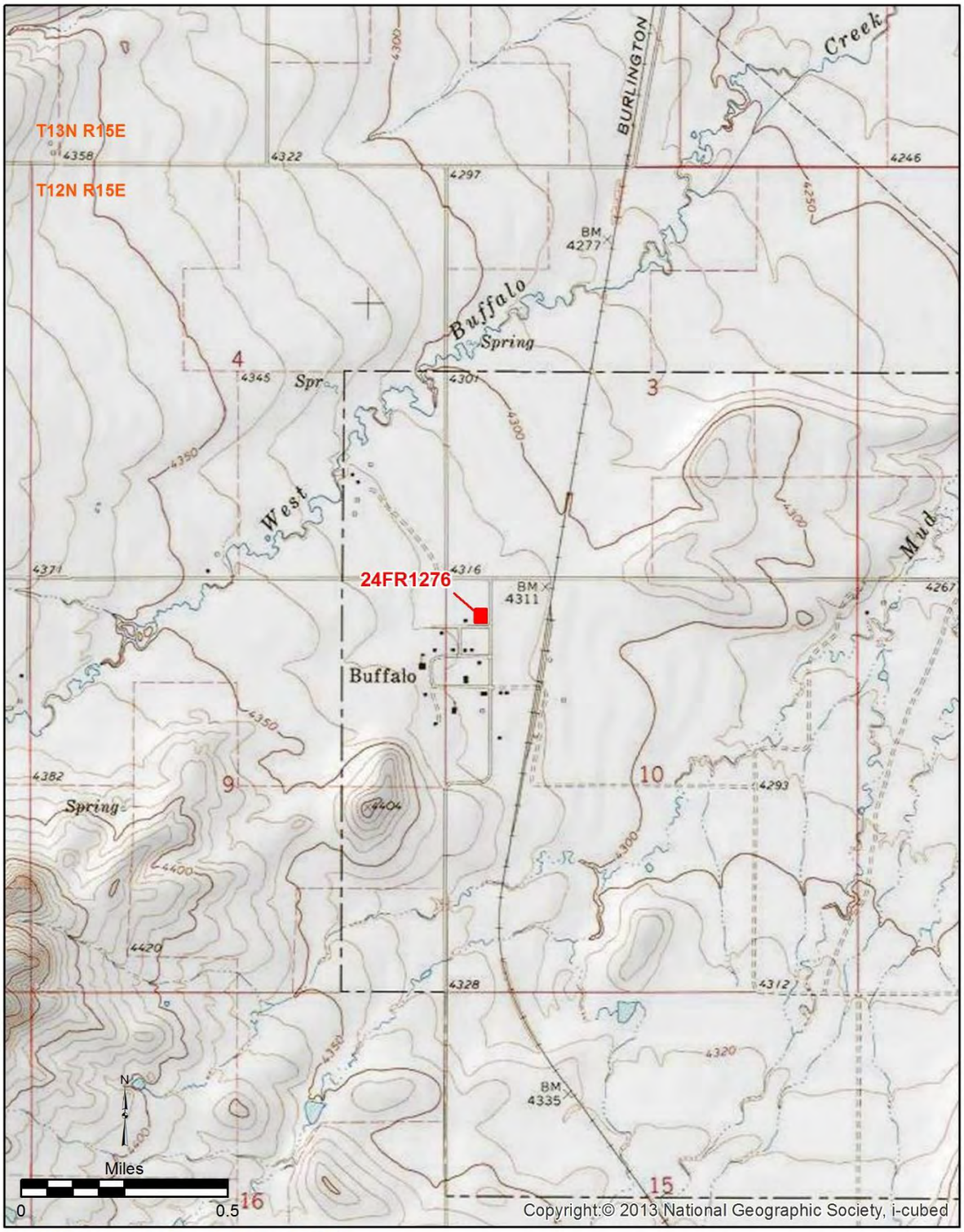
MAPS

Attach a sketch map (if applicable) and 7.5' Quad showing site location.



24FR1276

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM



USGS Topographic Map: Buffalo, MT 1970
Scale - 1:24,000

24FR1276

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

1. IDENTIFICATION

1.1 Smithsonian Number: 24FR1277 **1.2 Field Designation:** WP-2

1.3 Project Name: Central Montana Regional Water Authority Pipeline

1.4 Agency Project Number: **1.5 Consultant Project Number:**

2. LOCATION

2.1 Township/Range: T12 N, R15 E, Section 10**; ¼ Section(s):** NWSWNW **2.2 County:** Fergus Co.

2.3 UTM Coordinates: Zone 12 E 589403m; N 5185804m, NE Bank Corner **Datum used:** ☒NAD 83 conus

2.4 Administrative/Surface Ownership: Private

2.5 7.5' USGS Map Name, Date: Buffalo, Mt 1970

2.6 Narrative of access: From the intersection of Highways 12 and 191 (eastside of Harlowton), drive north on Highway 191 for about 28 miles and turn west onto Buffalo Canyon Road. Drive west about 3 miles and turn south onto 1st St. W. This site is about 0.25 mile south and on the west side of the road.

2.7 Vicinity of (city/town): Buffalo, Mt

3. DESCRIPTION

3.1 Site Type: Historic Commercial Development

3.2 Site Time Period (use dropdowns)**:** **Prehistoric:** **Historic:** Historic More Than One Decade

Paleontological: **Combination:** ☐ **Unknown:** ☐

3.3 Narrative Description of Site: Site 24FR1277 consists of the First State Bank of Buffalo located in the town of Buffalo, Montana. The Neoclassical Revival brick building was constructed in 1910 during the homestead boom and a time of agricultural prosperity. By the early 1920s, the bank was in finanacial trouble and in 1923 the bank closed. In the late 1920s, the bank building was used as a hardware store. It is believed the wood frame addition at the back of the bank was constructed during the hardware store occupation. The building is not currently occupied and the interior is filled with debris. The addition is collapsing and debris is found along the bank's exterior.

3.4 Site Dimensions: **Surface visibility:**

3.5 Feature Descriptions:

3.6 Artifacts: (✔ all that apply) ☐Chipped Stone ☐Wood ☐Ground Stone ☐Ceramics ☐Bone ☐Trade ☐Other

Description:

3.7 Diagnostic Artifacts:

3.8 Subsurface Testing:

3.9 Site function/interpretation:

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

4: ENVIRONMENTAL SETTING

4.1 Geographic Setting: Grasslands between Little Belt and Big Snowy Mountains.

4.2 Contour: ☒ Known ☐ Approximate ☐ Unknown **4.3 Elevation:** 4315 ft. ft

4.4 View/Aspect: Open

4.5 Sediments: Clay loam

Deposition: ☒ Surface Only ☐ Buried Only ☐ Surface and Buried ☐ Redeposited ☐ Other

4.6 Available Water Source: Well

4.7 Major River Drainage: Judith River, 13.4 miles to the North, 3980 ft. elevation

4.8 Minor Drainage: Mud Creek, 0.4 mile to the Southeast, 4300 ft. elevation

4.9 Local Vegetation: Other (Farmland, Cultivated) **Regional Vegetation:** Other (Farmland, Cultivated)

5. ASSESSMENT, RECORDING & MANAGEMENT

5.1 Significance: Site 24FR1277 is recommended eligible for listing on the National Register of Historic Places (NRHP) under Criterion A as the First State Bank of Buffalo is associated with the homestead boom in Montana which was driven by several federal laws that permitted settlement of public domain land. In the Judith Basin area, the years between 1900 and 1920 are considered the golden age of agriculture as dry land farm values quadrupled. Farmers became prosperous as rain was plentiful and grain prices were high with the advent of World War I in Europe. The arrival of the Great Northern and construction of a railroad station in 1912 also contributed to the growth and optimisim of townspeople in Buffalo. The First State Bank of Buffalo, a well-built brick building of Neoclassical Revival design, was constructed as a testament to the town's optimisim and faith that their town would continue to grow and prosper.

Site 24FR1277 is not recommended eligible to the NRHP under Criterion B. Although the bank was founded by members of local pioneer families, no documentation could be found that demonstrated any of these men were important to history or had a continued association with the bank.

One of the eligibility requirements under Criterion C states a property must embody distintive characteristics of a type, period, or method of construction. Site 24FR1277 qualifies under this definition as the Neoclassical Revival bank style was fairly common in central Montana during the early 1900s. Similar examples of this bank style are seen in the towns of Chester, Harlowton, Stanford, and Two Dot.

Site 24FR1277 does not qualify for listing on the NRHP under Criterion D as it is unlikely this site can contribute important information to the region's history.

5.2 Condition/Integrity: This site retains integrity of location and setting as the bank is in its original location and the site's setting still reflects an agricultural environment. The wood frame addition to the back of the bank has partially compromised integrity of design, feeling and association; however, the addition does not distract from the overall impression that a solid, long-lasting brick building was constructed to meet the needs of a thriving agricultural town. Integrity of materials and workmanship has also suffered some impacts as the bank parapet is nearly gone, windows are boarded over, and the addition is collapsing. Although Site WP-2 has suffered some integrity impacts, the bank building still conveys a sense of design, feeling, materials, workmanship, and association.

5.3 Possible impacts to site: The proposed water pipeline lies between the bank building and the road. Construction activities should avoid any contact with the building.

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

5.4 Evaluation: Does this property meet National Register criteria for eligibility? ☒ **Yes** ☐ **No** ☐ **Unevaluated**

Evaluation Procedures/Justification: Site 24FR1277 qualifies for the NRHP under Criteria A and C. Although the site has suffered some impacts to its integrity, the bank building still conveys a sense of location, setting, design, feeling, materials, workmanship, and association.

5.5 Recording status: ☒ surface examination ☒ photo ☒ map ☐ subsurface tested

5.6 Recommendations (use dropdown)**:** Avoidance

Comments:

5.7 Site Located by: Lynn M. Peterson **Date Located:** July 24, 2017

5.8 Site Recorded by: Lynn M. Peterson **Date Recorded:** July 24, 2017

5.9 Site form update and revisions by: **Date Updated:**

5.10 Federal/State Permit No:

5.11 Publication(s)/Report(s) where site is described: A Cultural Resource Inventory for the Musselshell-Judith Rural Water System, Phase 1, in Wheatland, Judith Basin, and Fergus Counties, Montana

5.12 Artifact Repository: NA

5.13 Field notes/maps/photos repository: Tetra Tech, 303 Irene St., Helena, MT

6. DESCRIPTION OF HISTORIC SITES

6.1 Property boundaries:

125 ft. (N-S) x 125 ft (E-W) **: estimated** **: measured**

Boundary justification: Boundary around historic buildings and structures.

6.2 Physical description of buildings/ structures/ features; dates of construction and major alterations; contribution of building/ structure to property significance: This site consists of the First State Bank of Buffalo, a building constructed in the Neoclassical Revival style that was common in the late 1880s to the early 1920s. This type of architecture draws heavily from classically inspired detailing. The bank was constructed in 1910 and measures 26 ft. east-west by 52 ft. north-south. It stands on a poured concrete full basement foundation. A nearly flat roof encircled by a brick parapet tops the building; unfortunately, much of the parapet no longer remains. A brick entablature featuring a running bond pattern lies beneath the parapet on the south and west walls, below which occur a series of block modillions.

The front or west façade features five bays separated by brick pilasters. Many of the bays are infilled with brick or wood boards, though they likely contained glass or entrances when the bank operated. The presence of multi-light transoms in several of the bays indicate such transoms once appeared in all the bays. Headers of red soldier brick top the bays above which occurs tan brick merging with the modillions and entablature above.

The all-brick building features tan brick on the west and south elevations and red brick on the north and east walls. All walls of the building feature running bond pattern. Brick quoining appears on the corners of the front façade. Small square red brick accents consisting of three soldier bricks appear near the top of each pilaster. Further accents appear from small segments of red running brick at the juncture of the pilaster and the bottom of the entablature.

The front facade has two entrances with wood panel doors that are in poor condition. A hole in the northernmost door allows a look inside the bank which is full of debris. The interior also contains the original Victor Safe & Lock Co. safe and portions of the bank's blue ceramic tile floor. The bank's north wall also features an entryway that has been covered over in brick.

The bank's west wall exhibits a wood frame addition that consists of a northern and a southern part. The addition's northern part is collapsing but measurements appear to be 26 ft. north-south by 26 ft. east-west. The roof style cannot be determined but rafters are visible and the addition is clad with shiplap siding. The interior of the northern part exhibits a tongue-and-groove ceiling and a metal pulley system is attached to the ceiling. The southern part of the addition measures 17 ft. by 17 ft. and is clad with tongue-and-groove siding. Once again, roof style cannot be determined. It is speculated the addition was constructed during the hardware store occupation.

A concrete pad is located on the west side of the wood frame addition. The pad is covered with collapsed building pieces but a building may have stood on the pad as metal gas/water pipe were observed protruding from the concrete pad.

6.3 Artifacts observed, collected: Panels of chainlink fencing have been dumped on the west side of the addition. Artifacts observed around the addition include a metal hubcap, window glass, blue bottle glass, metal pieces, faux brick siding, a washing machine, and a metal kitchen sink with drawers.

6.4 Subsurface Testing Methods and Results: NA

6.5 Historical Information and Context (footnote sources):
The First State Bank of Buffalo is located on Lot 18, SWNW1/4 of Section 10, T12N, R15E. Janet Shiell became the first property owner of the NW1/4 of Section 10 when a Land Patent for a cash sale was issued to Ms. Shiell on January 30, 1899 under the authority of the Land Act of 1820.

The bank is first mentioned in the October 1, 1909 edition of the Harlowton News when a notice appeared announcing the triving little town of Buffalo was to have a bank known as the First State Bank of Buffalo. The bank was organized September 16, 1909 and the list of stockholders included S.S. Hobson, Josiah Popejoy, B.C. White, W.B. Shiell, W.M. Buckes, C.A. Gageny, A.C. Greene, O.W. Belden, and J.M. Miller. The bank was to be capitalized at $20,000.

The December 7, 1910 edition of the Fergus County Democrat newspaper ran a notice that the new building of the First State Bank of Buffalo would be ready for occupancy December 3, 1910. The notice also stated "The interior decorations and the bank fixtures are said to be the finest of the kind in any town of this size in the state. The safe is made of solid Manganese steel and is of the latest model made by the Victor Safe Co. It weighs seven thousand pounds."

Although the bank was built in 1910, Janet and William B. Sheill didn't transfer ownership of Lot 18 to the First State Bank of Buffalo until Nov, 1, 1917. By that time, the bank may have already been in financial trouble as the homestead boom was on the decline. The bank closed in 1923 (Bradley 1973) and notices began to appear in The Moore Independent in April 1924 that all creditors and persons having claims against the First State Bank of Buffalo should present their claims to the Receiver within three months or their claims could be disallowed.

Next, in February 1928, the Moore Independent published notices that concerned the State of Montana, Plaintiff, vs. the First State Bank of Buffalo, Defendant. The bank's Receiver had filed a petition to sell all of the real estate remaining in the bank's trust. A judge in the District Court of the Tenth Judical District requested all persons interested in the bank trust should appear before the court on February 23, 1928 to show cause why the petition should not be approved.

The next legal document concerning Lot 18 is a Receiver's Deed from First State Bank of Buffalo to Selleck Mercantile Company, dated July 28, 1928. After this date, the bank is converted to a hardware store as depicted in

the 1929 Sanborn map of Buffalo, MT. The hardware store also housed the town's post office. It appears the Selleck Mercantile Co. failed to pay their taxes as a Tax Deed was issued June 24, 1939 that transferred ownership to Fergus County. However, Fergus County sold the property to Daniel J. Selleck on Feb. 20, 1946 so the hardware store may have continued as a business.

Daniel and Mary Selleck sold Lot 18 to Lester and Doris Crabtree on Dec. 7, 1949. It is not known if the Crabtrees continued with the hardware business but Lester did install cold storage meat lockers on the property (Bradley 1973). On Nov. 15, 1955, the Crabtrees sign a Quit Claim Deed in favor of Ralph and Elizabeth Wetzel. Ralph made an attempt to continue the cold storage business (Bradley 1973), but apparently property taxes were not paid as the Wetzels lost the property to Fergus County via a Tax Deed dated July 27, 1967. Harvey and Marie Hahn bought the property from Fergus County on Sept. 11, 1972 and on Oct. 13, 1972, the Hahns sign a Quit Claim Deed in favor of Donald Hahn, the current property owner.

6.6 Sources, files, people consulted:

Fergus County Courthouse Clerk and Recorder Office
1929 Sanborn map of Buffalo, MT
Harlowton News (Harlowton, MT)
Fergus County Democrat (Lewistown, MT)
Moore Independent (Moore, MT)
History of Buffalo by Phil Bradley in In the Shadow of the Twin Sister, Montana Business Service, Lewistown, MT (1973).

7. ADDITIONAL INFORMATION

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

PHOTOGRAPHS

First State Bank of Buffalo, View to the Southwest.

First State Bank of Buffalo, View to the Northwest.

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

First State Bank of Buffalo, View to the Southeast.

First State Bank of Buffalo, View to the Northeast.

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

Interior of First State Bank of Buffalo, Safe manufactured by Victor Safe & Lock Co.

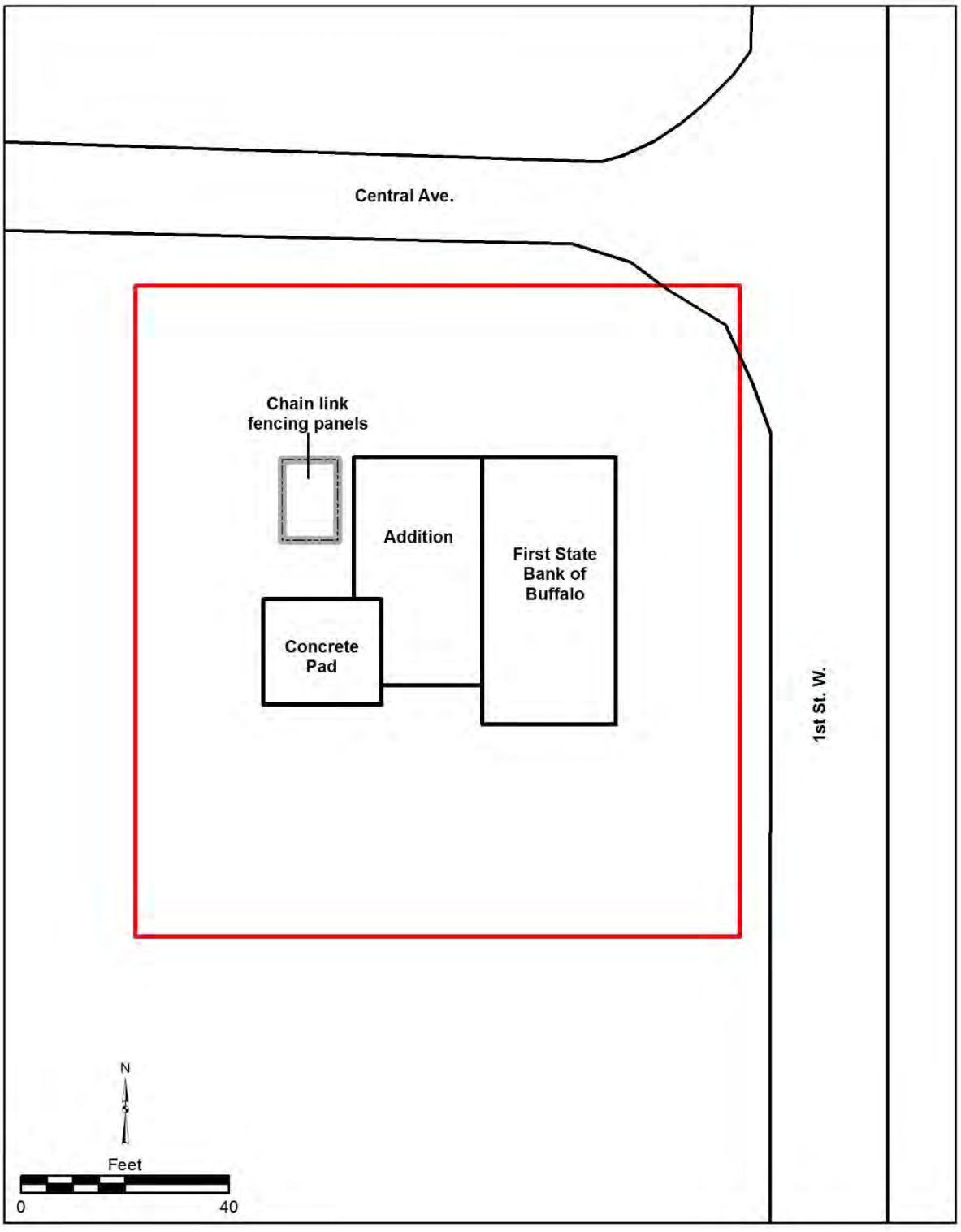
MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

Interior of First State Bank of Buffalo, Ceramic Tile Floor

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

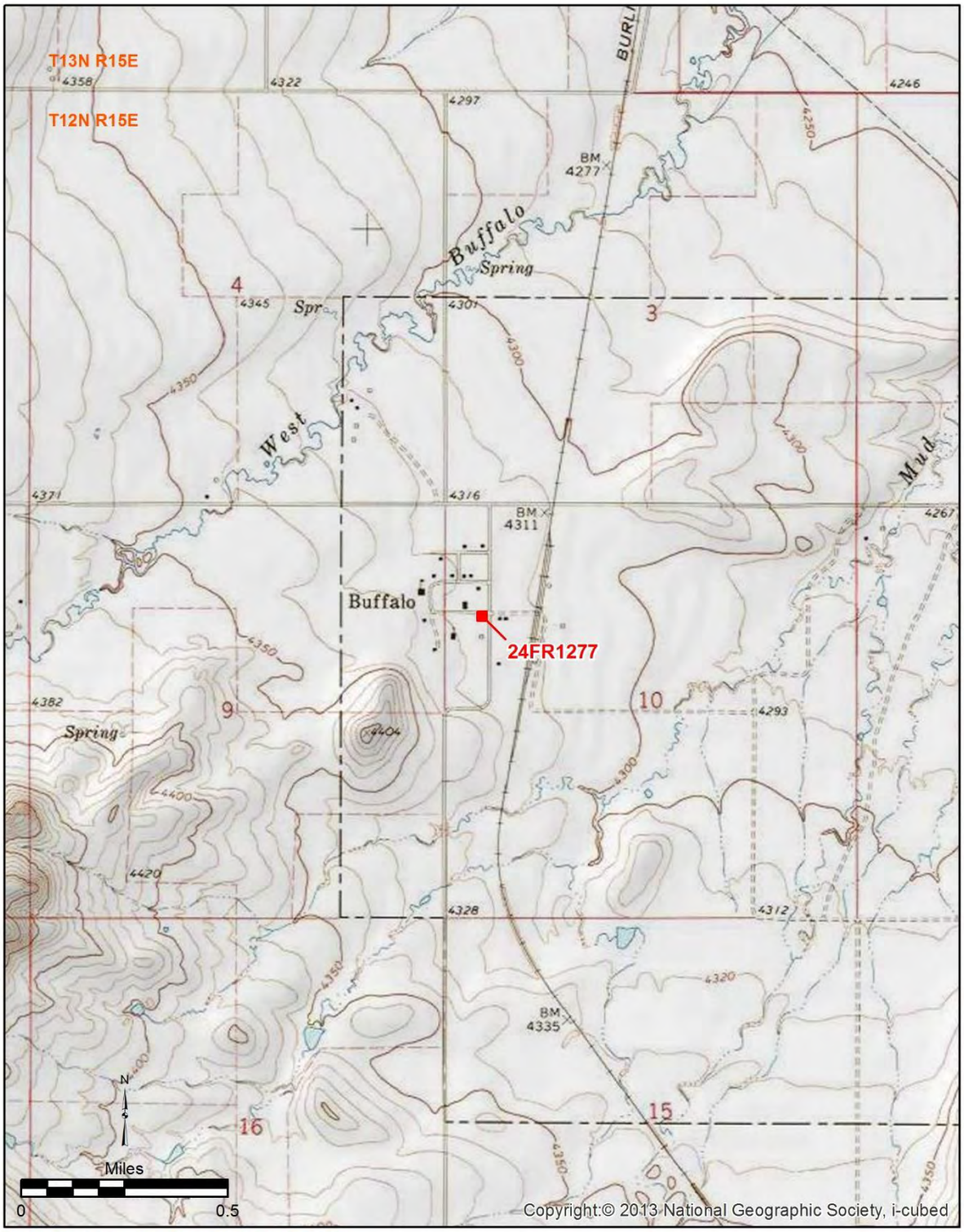
MAPS

Attach a sketch map (if applicable) and 7.5' Quad showing site location.



24FR1277

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM



USGS Topographic Map: Buffalo, MT 1970
Scale - 1:24,000

24FR1277

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

1. IDENTIFICATION

1.1 Smithsonian Number: 24FR655 Update **1.2 Field Designation:**

1.3 Project Name: Central Montana Regional Water Authority Pipeline

1.4 Agency Project Number: **1.5 Consultant Project Number:**

2. LOCATION

2.1 Township/Range: T11 N, R16 E, Section 6**; ¼ Section(s):** NENE **2.2 County:** Fergus Co.

2.3 UTM Coordinates: Zone 12 E 595351m; N 5178304m, See #7 for additional TRS and UTM coordinates **Datum used:** ☒NAD 83 conus

2.4 Administrative/Surface Ownership: Private

2.5 7.5' USGS Map Name, Date: Moore SW, Mt 1970 And Elephant Rocks, MT 1986

2.6 Narrative of access: From the intersection of Highways 12 and 191 (eastside of Harlowton), drive north on Highway 191 for about 22 miles to the town of Garneill.

2.7 Vicinity of (city/town): Garneill, Mt

3. DESCRIPTION

3.1 Site Type: Historic Town

3.2 Site Time Period (use dropdowns)**:** **Prehistoric:** **Historic:** Historic More Than One Decade

Paleontological: **Combination:** ☐ **Unknown:** ☐

3.3 Narrative Description of Site: This site represents the town of Garneill which was originally recorded by Brownell and McCormick in 1987 during a Montana Power Company project. Brownell and McCormick documented two occupied residences, a community center, and numerous abandoned buildings and outbuildings. The 2017 inventory revisited buildings and structures within the current project corridor to document any changes between the 1987 and 2017 inventories.

3.4 Site Dimensions: **Surface visibility:**

3.5 Feature Descriptions:

3.6 Artifacts: (✔ all that apply) ☐Chipped Stone ☐Wood ☐Ground Stone ☐Ceramics ☐Bone ☐Trade ☐Other

Description:

3.7 Diagnostic Artifacts:

3.8 Subsurface Testing:

3.9 Site function/interpretation:

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

4: ENVIRONMENTAL SETTING

4.1 Geographic Setting: Low hill above Ross Fork Creek to the west.

4.2 Contour: ☒ Known ☐ Approximate ☐ Unknown **4.3 Elevation:** 4450 ft

4.4 View/Aspect: Open

4.5 Sediments: Silty to gravelly clay loams

Deposition: ☒ Surface Only ☐ Buried Only ☐ Surface and Buried ☐ Redeposited ☐ Other

4.6 Available Water Source: Well

4.7 Major River Drainage: Judith River, 19 miles to the North, 3950 ft. elevation

4.8 Minor Drainage: Ross Fork Creek, 900 ft. to the Southwest, 4400 ft. elevation

4.9 Local Vegetation: Other (Farmland, Cultivated) **Regional Vegetation:** Other (Farmland, Cultivated)

5. ASSESSMENT, RECORDING & MANAGEMENT

5.1 Significance: Brownell and McCormick wrote the town of Garneill was recommended not eligible to the National Register of Historic Places as the town had lost integrity. The authors did recommend that three buildings were individually eligible, including the Manley General Store, the church, and the grain elevator. The Manley General Store, now used as a Community Center, is found within the pipeline corridor and Tetra Tech archaeologists agree with the original assessment of eligibility for both the town and the general store.

5.2 Condition/Integrity: Brownell and McCormick wrote the town of Garneill no longer conveyed its original historic appearance or character. Many of the buildings had been removed or dismantled and most of the remaining buildings had undergone extensive alternations. Tetra Tech agrees with this assessment and notes that several more buildings have been removed from the townsite.

5.3 Possible impacts to site: The proposed water pipeline lies on the east side of the road and pipeline construction activities should avoid all buildings.

5.4 Evaluation: Does this property meet National Register criteria for eligibility? ☐ **Yes** ☐ **No** ☒ **Unevaluated**

Evaluation Procedures/Justification: Site does not qualify under Criteria A, B, C, or D, and integrity has been compromised.

5.5 Recording status: ☒ surface examination ☐ photo ☐ map ☐ subsurface tested

5.6 Recommendations (use dropdown)**:** No Further Work

Comments:

5.7 Site Located by: Brownell and McCormick **Date Located:** July 1, 1987

5.8 Site Recorded by: Brownell and McCormic **Date Recorded:** August 1, 1987

5.9 Site form update and revisions by: Lynn M. Peterson **Date Updated:** July 28, 2017

5.10 Federal/State Permit No:

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

5.11 Publication(s)/Report(s) where site is described: A Cultural Resource Inventory for the Musselshell-Judith Rural Water System, Phase 1, in Wheatland, Judith Basin, and Fergus Counties, Montana

5.12 Artifact Repository: NA

~~5.13 Field~~ notes/maps/photos repository: Tetra Tech, 303 Irene St., Helena, MT

6. DESCRIPTION OF HISTORIC SITES

6.1 Property boundaries:

1,580 ft. (NW-SE) x 1,185 ft (NE-SW) **: estimated** **: measured**

Boundary justification: Brownell and McCormick 1987 boundary.

6.2 Physical description of buildings/ structures/ features; dates of construction and major alterations; contribution of building/ structure to property significance: The 2017 inventory only examined buildings and features located within the water pipeline corridor along Garneill Loop or Fergus Road. Please see original site form for detailed building descriptions.

Block 1, Property 1 (Outbuildings), Feature 1 (Shed) and Feature 2 (Shed): Both sheds have been removed and a new metal sided rectangular building has been constructed.

Block 2, Property 1 (Residence), Feature 1 (House) and Feature 2 (Shed): The house has been removed; only the concrete foundation remains. The shed has been removed.

Block 2, Property 2 (Residence), Feature 1 (Log House) and Feature 2 (Shed): The log house has been dismantled; only the wood plank floor remains. The shed has also been dismantled; only the floor and one wall remain.

Block 3, Property 1 (Commercial), Feature 1 (Commercial Block): This building has not changed since 1987.

Block 6, Property 1 (Residence), Feature 1 (House), Feature 2 (Shed) and Feature 3 (Shed): The house is still standing and appears to be in a similar condition as in 1987. Both sheds have been removed.

Block 7, Property 1 (Residence), Feature 1 (House), Feature 2 (Teacherage), Feature 3 (Grain Bin), Feature 4 (Shed) and Feature 5 (Quonset Hut): All features on this property are still standing and appear unchanged since 1987.

Block 8, Property 1 (Outbuildings), Feature 1 (Shed), Feature 2 (Barn), Feature 3 (Garage), Feature 4 (Shed) and Feature 5 (Shed): All features on this property remain standing and Features 1, 2 and 3 appear as originally described in 1987. Feature 4, a shed, now has a gable roof covered with corrugated metal. A brick chimney protrudes from the east gable. Feature 5, a shed, has been resided with corrugated metal.

6.3 Artifacts observed, collected:

6.4 Subsurface Testing Methods and Results: NA

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

6.5 Historical Information and Context (footnote sources): Please see original site form for historical information.

6.6 Sources, files, people consulted: Site Form 24FR655 by Brownell and McCormick, on file at the Montana State Historic Preservation Office (1987).

7. ADDITIONAL INFORMATION

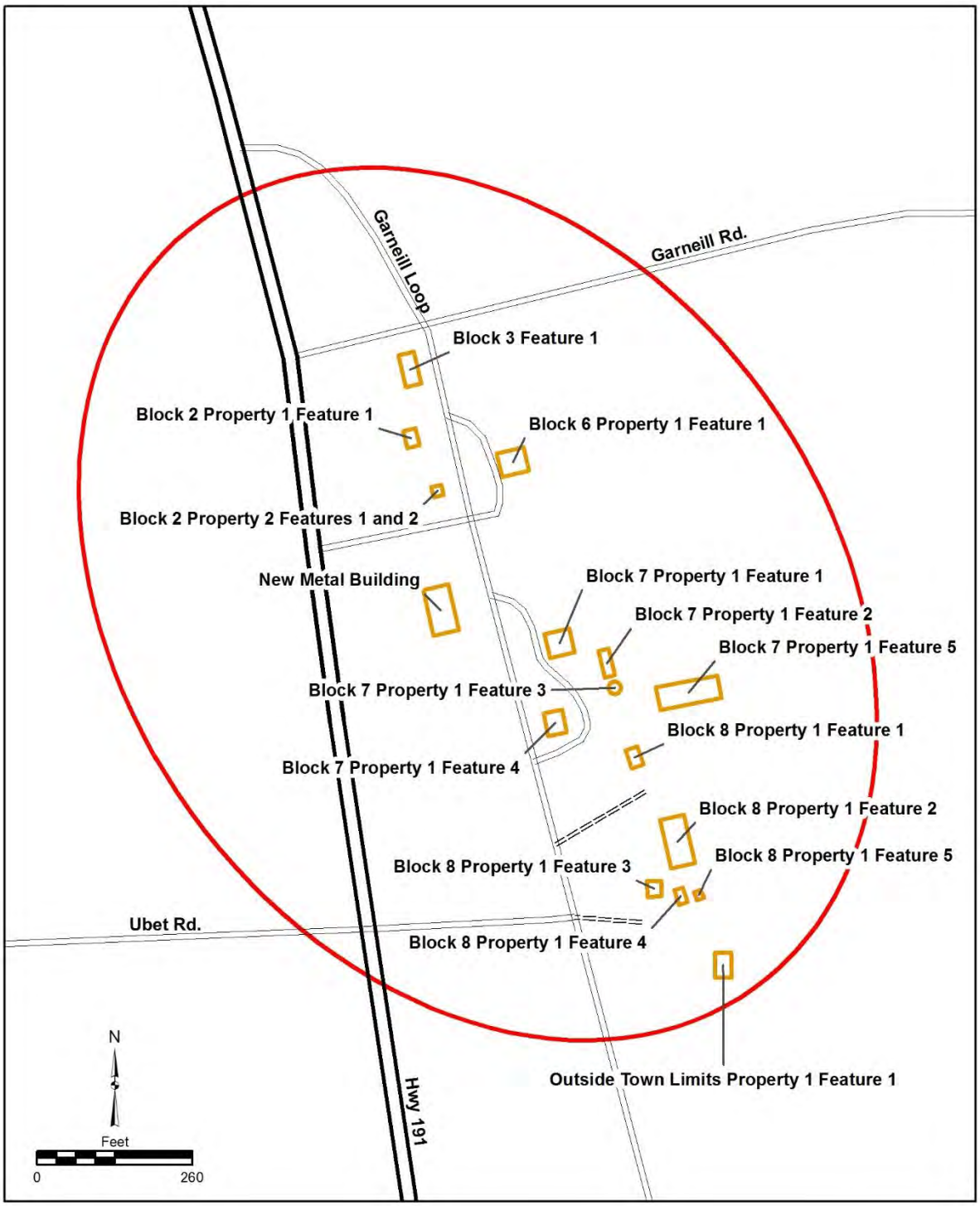
2.1 Township/Range Continued:
T12N R16E, Section 31, SESE

2.3 UTM Coordinates Continued:
Zone 12, 595641 mE, 5178222 mN
Zone 12, 595624 mE, 5177916 mN
Zone 12, 595327 mE, 5178024 mN

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

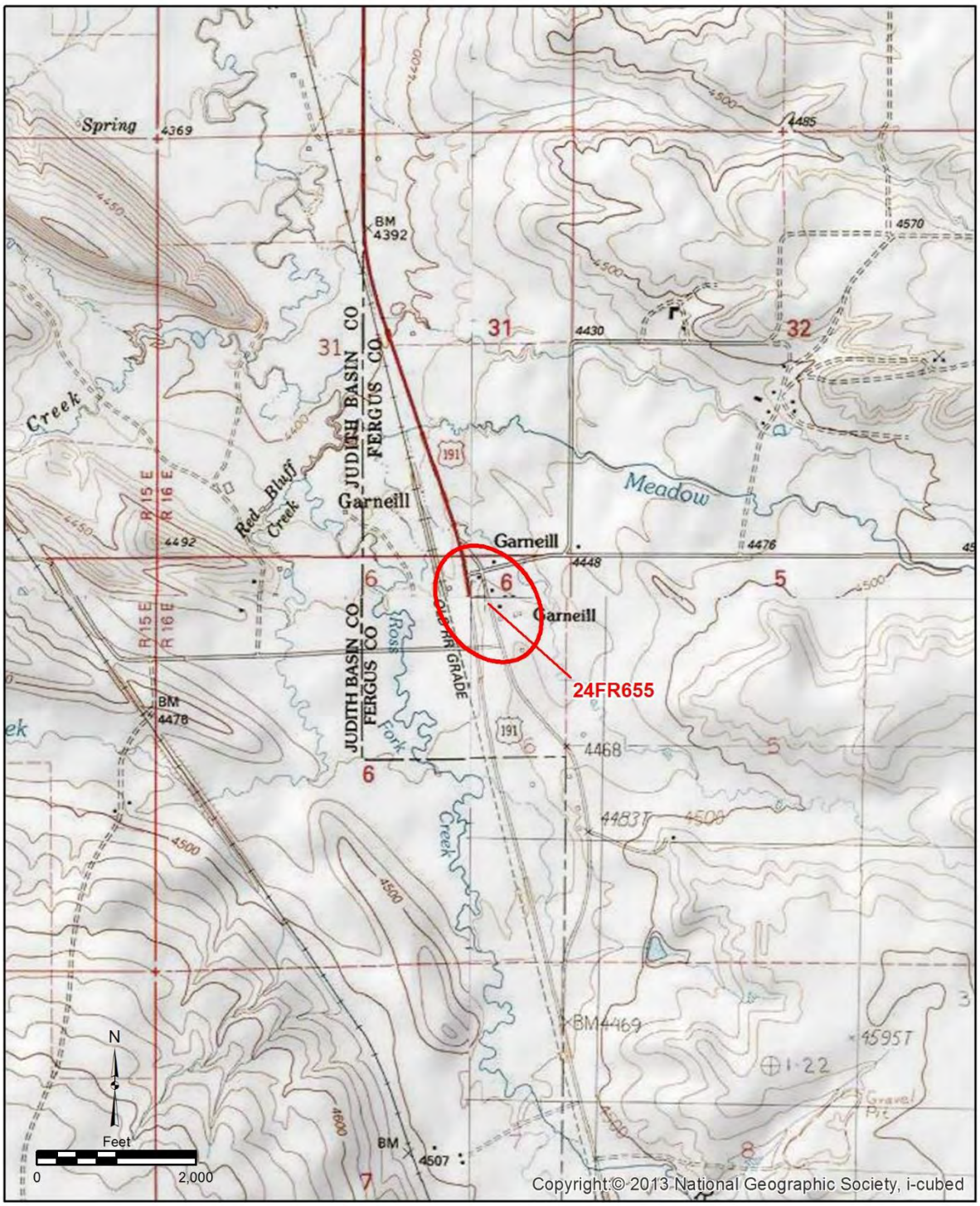
MAPS

Attach a sketch map (if applicable) and 7.5' Quad showing site location.



24FR655
Site Sketch

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM



24FR655
1:24,000 Topographic Map

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

1. IDENTIFICATION

1.1 Smithsonian Number: 24WL128 Update **1.2 Field Designation:**

1.3 Project Name: Central Montana Regional Water Authority Pipeline

1.4 Agency Project Number: **1.5 Consultant Project Number:**

2. LOCATION

2.1 Township/Range: T9 N, R15 E, Section 27**; ¼ Section(s):** NA **2.2 County:** Wheatland Co.

2.3 UTM Coordinates: Zone 12 E 590434m; N 5151953m, See #7 for additional TRS and UTM coordinates **Datum used:** ☒NAD 83 conus

2.4 Administrative/Surface Ownership: Private

2.5 7.5' USGS Map Name, Date: Harlowton, MT 1986; Oka, MT 1986

2.6 Narrative of access: Railroad bed lies east of the road at the intersection of Old Gap Rd. and 6th Street NE in Harlowton.

2.7 Vicinity of (city/town): Harlowton, Mt

3. DESCRIPTION

3.1 Site Type: Historic Railroad

3.2 Site Time Period (use dropdowns)**:** **Prehistoric:** **Historic:** Historic More Than One Decade

Paleontological: **Combination:** ☐ **Unknown:** ☐

3.3 Narrative Description of Site:

3.4 Site Dimensions: | **Surface visibility:**

3.5 Feature Descriptions:

3.6 Artifacts: (✔ all that apply) ☐Chipped Stone ☐Wood ☐Ground Stone ☐Ceramics ☐Bone ☐Trade ☐Other
Description:

3.7 Diagnostic Artifacts:

3.8 Subsurface Testing:

3.9 Site function/interpretation:

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

4: ENVIRONMENTAL SETTING

4.1 Geographic Setting: Railroad bed segment lies north of the Musselshell River and heads north along Antelope Creek.

4.2 Contour: ☐ Known ☒ Approximate ☐ Unknown **4.3 Elevation:** 4300 ft

4.4 View/Aspect: Open

4.5 Sediments: Silty to gravelly clay loams

Deposition: ☒ Surface Only ☐ Buried Only ☐ Surface and Buried ☐ Redeposited ☐ Other

4.6 Available Water Source: No Data

4.7 Major River Drainage: Musselshell River, 1 mile to the South, 4180 ft. elevation

4.8 Minor Drainage: Antelope Creek, crosses railroad bed, 4300 ft. elevation

4.9 Local Vegetation: Other (Farmland, Cultivated) **Regional Vegetation:** Other (Farmland, Cultivated)

5. ASSESSMENT, RECORDING & MANAGEMENT

5.1 Significance: Site 24WL128 is eligible to the National Register of Historic Places under Criterion A as it played a significant role in local history and the history of Montana. The site is also eligible under Criterion B as the branch line from Lewistown to Harlowton was originally owned by Richard Harlow, a colorful individual who played a significant role in the historic development of central Montana. The site is not eligible under Criterion C has it fails to suggest the work of a master or exhibit unique architectural characteristics. Finally, 24WL128 is not eligible under Criterion D as it is unlikely the site is associated with a subsurface deposit that will yield important information to history.

5.2 Condition/Integrity: The overall integrity of this 5-mile segment of Site 24WL128 has been compromised as the railroad tracks were removed after the railroad company halted operations in 1980. However, the railroad bed remains visible in areas undisturbed by subsequent development and can be easily recognized as the bed rises two to four feet above surrounding fields. As such, the site retains integrity of location and setting, but integrity of design, materials, workmanship, feeling, and association have been diminished.

5.3 Possible impacts to site: The proposed water pipeline is designed to be buried within a 5-mile segment of the existing railroad bed using typical open cut methods. After the trench is excavated, bedding and piping will be placed and the trench will be backfilled. Project specifications require the site be restored to pre-construction conditions. The 5-mile length of the proposed pipeline installation within the railroad bed is considerable, suggesting the possibility of unforeseen circumstances preventing a full restoration. This is especially true considering several features originally associated with the railroad bed, i.e., bridge pilings, that will not likely be returned to their pre-construction state. The proposed water pipeline project has the potential to cause adverse effects to the integrity of Site 24WL128.

5.4 Evaluation: Does this property meet National Register criteria for eligibility? ☒ Yes ☐ No ☐ Unevaluated

Evaluation Procedures/Justification: Site is eligible under Criteria A and B and although site integrity has been compromised, the setting still has the ability to convey a sense of time when the railroad was active.

5.5 Recording status: ☒ surface examination ☒ photo ☐ map ☐ subsurface tested

5.6 Recommendations (use dropdown)**:** Other(combination)

Comments: The Central Montana Regional Water Authority should consult with MT SHPO to determine if adverse effects to the site's integirty will occur.

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

5.7 Site Located by: S. Deaver **Date Located:** August 2, 1985

5.8 Site Recorded by: S. Deaver **Date Recorded:** August 2, 1985

5.9 Site form update and revisions by: Lynn M. Peterson **Date Updated:** July 28, 2017

5.10 Federal/State Permit No:

5.11 Publication(s)/Report(s) where site is described: A Cultural Resource Inventory for the Musselshell-Judith Rural Water System, Phase 1, in Wheatland, Judith Basin, and Fergus Counties, Montana

5.12 Artifact Repository: NA

5.13 Field notes/maps/photos repository: Tetra Tech, 303 Irene St., Helena, MT

6. DESCRIPTION OF HISTORIC SITES

6.1 Property boundaries:

5 miles in length **: estimated** **: measured**

Boundary justification: Extent of railroad bed in current project area..

6.2 Physical description of buildings/ structures/ features; dates of construction and major alterations; contribution of building/ structure to property significance: This site update concerns a 5-mile length of the abandoned Milwaukee Road railroad bed. The tracks were removed after the company ceased to operate in 1980. Subsequently development has removed all evidence of the railroad bed in a few areas but overall, the railroad bed rises two to four feet above surrounding fields and is easy to discern. This segment follows Antelope Creek and at former creek crossings, wood pilings cut off a few feet from their base, are still in place.

6.3 Artifacts observed, collected: A few railroad ties, spikes, wood pilings.

6.4 Subsurface Testing Methods and Results: NA

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

6.5 Historical Information and Context (footnote sources): The Milwaukee Road takes its name from the railroad's starting location in Milwaukee, Wisconsin. Construction began in 1850 and by the 1880s, rail lines were well established in the Midwest. However, rail line competition was fierce and by the 1890s, the Milwaukee Road's directors realized they needed to extend their line to the Pacific to remain competitive with the Great Northern and Northern Pacific railroads. Construction of the Milwaukee Road's main line through Montana began in 1906 and was completed by 1909 (Ethos 1995). In order to expand its service area, the Milwaukee Road often bought smaller, privately-owned rail lines rather than construct new lines. In January 1910, the Milwaukee Road purchased the "Jawbone" line from Richard Austin Harlow for $3.5 million (Lewis 2004).

The Jawbone's story began in 1894 when Harlow created the Montana Railroad Company to provide rail transportation services to farmers and ranchers in the prosperous Judith Basin area. The nickname "Jawbone" was a nod to Harlow's ability to fast talk his men to keep them working rather than paying the men wages. Construction on the railroad began in 1895 at Lombard, about 50 miles east of Helena and by 1900, the Jawbone extended east to the present-day town of Harlowton. From Harlowton, the line turned north and by 1903, construction crews reached Ubet (now known as Garneill).

The Milwaukee Road's east-west line was completed in 1909, effectively ending 30 years of mainline construction in Montana (Malone and Roeder 1976). Together, the Milwaukee Road and other railroads literally transformed the state as they encouraged development of major Montana industries like mining, timber, and agriculture. The railroads were also responsible for the establishment of important new cities like Great Falls and Billings, and for giving new life to established towns like Butte, Miles City, Bozeman, and Missoula.

Despite the important role the railroad played in the state's history, Montanans began to rely on other transportation methods by the mid-20th century. Railroad revenues declined and in 1977, the Chicago, Milwaukee, Saint Paul and Pacific railroad declared bankruptcy. The Milwaukee Road ceased to operate in 1980 and the tracks were subsequently removed.

6.6 Sources, files, people consulted:

Ethos Consultants
1995 Site Form 24WL128 on file at the Montana State Historic Preservation Office.

Lewis, M. D.
2004 Wheatland County, Montana: A History from 1870 to 2000. Thesis submitted to North Dakota State University, Agriculture and Applied Science, Fargo, ND.

Malone, M. P. and R. B. Roeder
1976 Montana: A History of Two Centuries. University of Washington Press, Seattle, WA.

7. ADDITIONAL INFORMATION

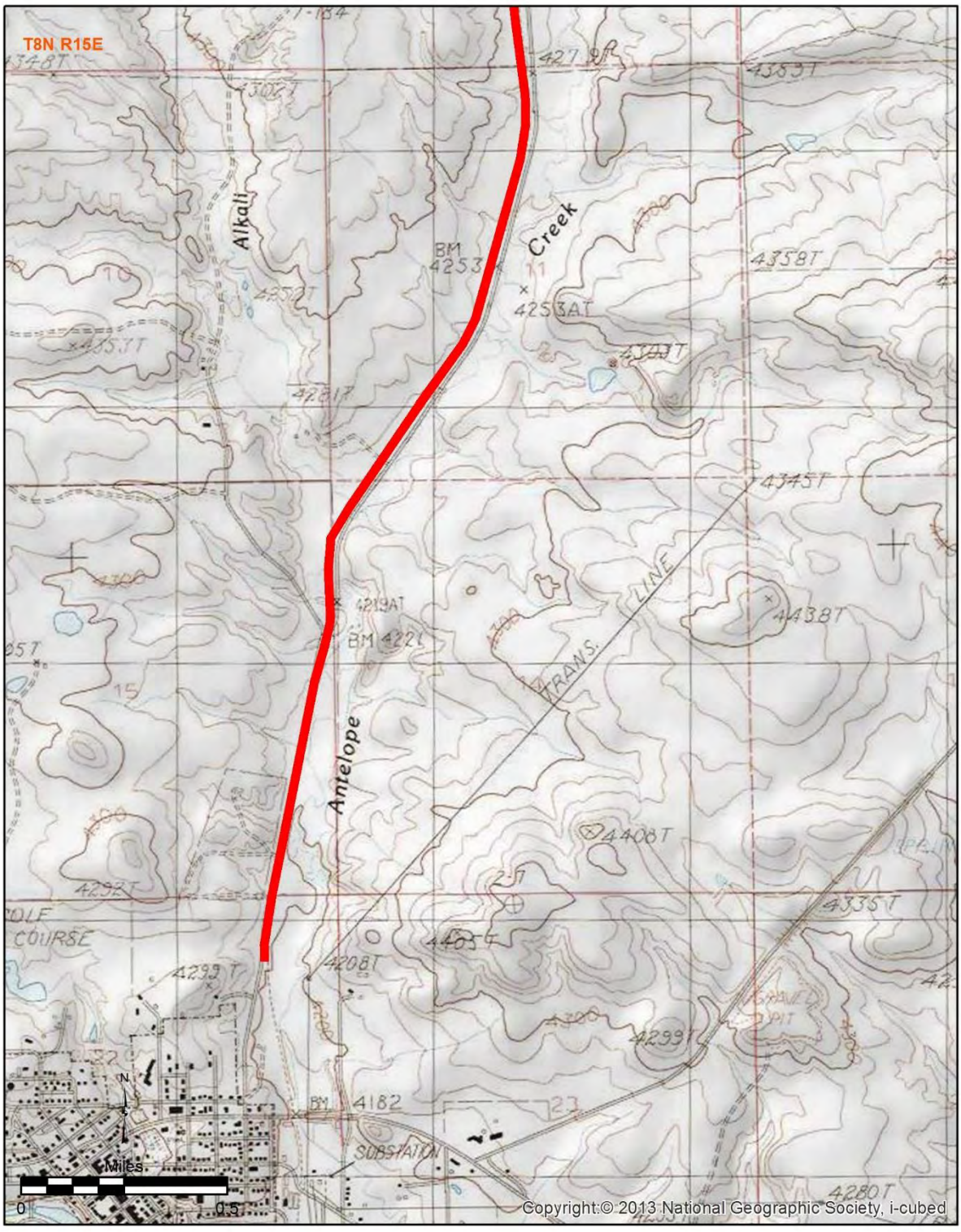
2.1 Township/Range Continued:
T9N R15E, Section 34
T8N, R15E, Sections 2, 11, 14, 15, 22

2.3 UTM Coordinates Continued:
Zone 12, 590294 mE, 5144060 mN

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM

OVERVIEW OF SITE 24WL128, VIEW TO THE NORTH

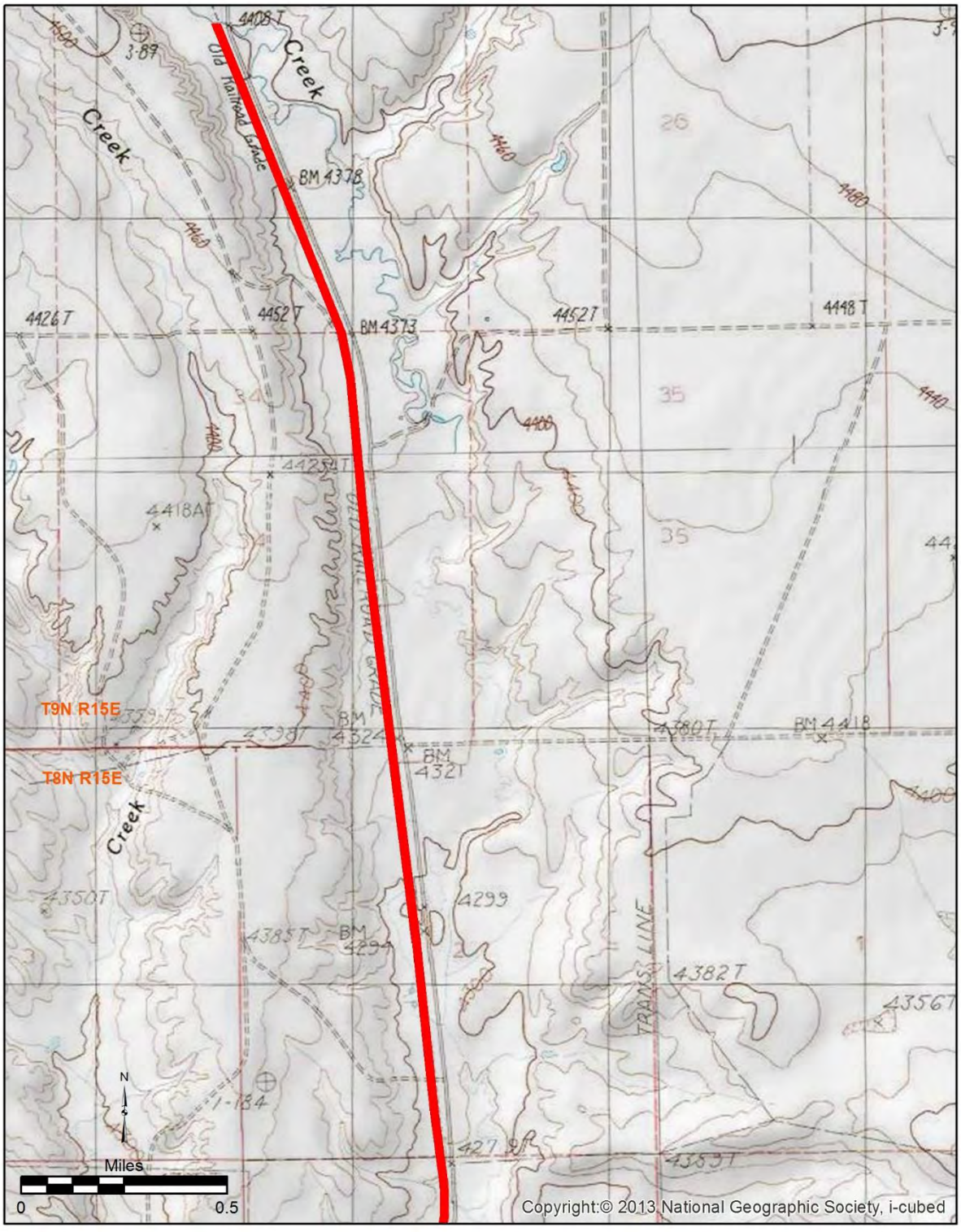
MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM



USGS Topographic Map: Harlowton, MT 1986
Scale - 1:24,000

24WL128 Update

MONTANA CULTURAL RESOURCES INFORMATION SYSTEM (CRIS) FORM



USGS Topographic Map: Harlowton, MT 1986 and Oka, MT 1986 Scale - 1:24,000

24WL128 Update

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Historic Preservation
Museum
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Publications
Research Center

November 16, 2017

Ms. Lynn Peterson
Tetra Tech, Inc.
303 Irene Street
PO Box 4699
Helena, MT 59604

RE: Musselshell-Judith Rural Water System, Phase 1 Addendum
Wheatland, Judith Basin and Fergus Counties, Montana

Dear Ms. Peterson:

Thank you for the cultural report (received November 13, 2017) regarding the Musselshell-Judith Rural Water System, Phase 1 Addendum project in Wheatland, Judith Basin and Fergus Counties, Montana. We greatly appreciate the cultural survey being completed for this project, even though it currently falls outside of Section 106.

We agree that the portion of the Milwaukee Railroad that will be affected by this project does not retain sufficient integrity to result in an adverse effect determination. We agree that, if at any time this project becomes associated with a federal nexus, it would likely result in a No Adverse Effect Determination.

If you have any comments or questions, do not hesitate to contact me at (406) 444-0388 or JBush2@mt.gov. Thank you for informing us of this project.

Sincerely,

Jessica Bush

Jessica Bush, M.A.
Review and Compliance Officer
Montana State Historic Preservation Office

File: Local/Other – 2017 – 2017111306

225 North Roberts Street
P.O. Box 201201
Helena, MT 59620-1201
(406) 444-2694
(406) 444-2696 FAX
montanahistoricalsociety.org

From: Peterson, Lynn
To: Bush, Jessica
Subject: RE: Central MT Regional Water Authority
Date: Wednesday, August 30, 2017 10:55:00 AM
Attachments: image001.png
image003.png
image005.png
image008.png
image009.png
image011.png
image012.png
image013.png
image015.png
image017.png
image019.png
image022.png

Ok, 2:00 on Sept. 14th.

I think I will send the hard copy with John tomorrow morning.

Thanks for your help.

Lynn

Lynn Peterson | Cultural Resource Specialist/GIS Analyst
Direct **+1 (406) 447-1448** | Main **+1 (406) 443-5210** | Fax **+1 (406) 449-3729** | lynn.peterson@tetratech.com

Tetra Tech | Complex World, Clear Solutions™ | Environmental Services Divisions
303 Irene St. | Helena, Montana 59601 | tetratech.com

From: Bush, Jessica [mailto:JBush2@mt.gov]
Sent: Wednesday, August 30, 2017 9:33 AM
To: Peterson, Lynn <Lynn.Peterson@tetratech.com>
Subject: RE: Central MT Regional Water Authority

How about 2? And I only need one hard copy.

Jessica Bush, M.A.
Review and Compliance Officer, Deputy SHPO
State Historic Preservation Office

Montana Historical Society
P.O. Box 201202/1301 E. Lockey Avenue
Helena, MT 59620-1201
jbush2@mt.gov
406-444-0388
www.montanahistoricalsociety.org

See what's going on, follow us on Social Media:

From: Peterson, Lynn [mailto:Lynn.Peterson@tetratech.com]
Sent: Wednesday, August 30, 2017 9:08 AM
To: Bush, Jessica <JBush2@mt.gov>
Subject: FW: Central MT Regional Water Authority

Looks like Thursday afternoon, Sept. 14th will work. What time is good?

Lynn

Lynn Peterson | Cultural Resource Specialist/GIS Analyst
Direct **+1 (406) 447-1448** | Main **+1 (406) 443-5210** | Fax **+1 (406) 449-3729** | lynn.peterson@tetratech.com

Tetra Tech | Complex World, Clear Solutions™ | Environmental Services Divisions
303 Irene St. | Helena, Montana 59601 | tetratech.com

From: Collette T. Anderson [mailto:ctanderson@greatwesteng.com]
Sent: Wednesday, August 30, 2017 9:01 AM
To: Peterson, Lynn <Lynn.Peterson@tetratech.com>
Cc: Flood, Cameo <Cameo.Flood@tetratech.com>
Subject: RE: Central MT Regional Water Authority

th

Okay – let's shoot for Thursday afternoon, the 14 .

Collette Anderson, PE | Project Manager
Great West Engineering, Inc.
DIRECT: 406.495.6164
MOBILE: 406.249.9621

www.greatwesteng.com

From: Peterson, Lynn [mailto:Lynn.Peterson@tetratech.com]
Sent: Wednesday, August 30, 2017 8:48 AM
To: Collette T. Anderson <ctanderson@greatwesteng.com>
Cc: Flood, Cameo <Cameo.Flood@tetratech.com>
Subject: FW: Central MT Regional Water Authority

Hi Collette,

Looks like Jessica won't be available until Sept. 13-15. See below and let me know what time works for you.

Cheers,

Lynn

Lynn Peterson | Cultural Resource Specialist/GIS Analyst
Direct **+1 (406) 447-1448** | Main **+1 (406) 443-5210** | Fax **+1 (406) 449-3729** | lynn.peterson@tetratech.com

Tetra Tech | Complex World, Clear Solutions™ | Environmental Services Divisions
303 Irene St. | Helena, Montana 59601 | tetratech.com

From: Bush, Jessica [mailto:JBush2@mt.gov]
Sent: Wednesday, August 30, 2017 8:27 AM
To: Peterson, Lynn <Lynn.Peterson@tetratech.com>
Subject: RE: Central MT Regional Water Authority

Hi Lynn,

I would prefer to read the report before a meeting is set up, so I am guessing next week would be a little soon. I have not received the report yet and I am about a week out in my reviews plus additional things I am dealing with.

How about the week of the 11th? I am available wed afternoon, thurs afternoon, or anytime fri.

Let me know.

Jessica Bush, M.A.
Review and Compliance Officer, Deputy SHPO
State Historic Preservation Office
Montana Historical Society
P.O. Box 201202/1301 E. Lockey Avenue
Helena, MT 59620-1201
jbush2@mt.gov
406-444-0388
www.montanahistoricalsociety.org

See what's going on, follow us on Social Media:

From: Peterson, Lynn [mailto:Lynn.Peterson@tetratech.com]
Sent: Monday, August 28, 2017 3:11 PM
To: Bush, Jessica <JBush2@mt.gov>
Subject: Central MT Regional Water Authority

Hi Jessica,

I posted the report for the water pipeline project we discussed last week on Tetra Tech's ftp site. You should get another e-mail with download instructions. I am submitting this report on behalf of the Central Montana Regional Water Authority (CMRWA).

CMRWA hired Great West Engineering as their prime contractor and I've been working with Great West. Collette Anderson, the Project Manager at Great West, would like us to meet with you to discuss potential adverse effects to the Milwaukee Road.

Is sometime next week too soon? Any day is good for us except Thursday morning.

Cheers,

Lynn

Lynn Peterson | Cultural Resource Specialist/GIS Analyst
Direct **+1 (406) 447-1448** | Main **+1 (406) 443-5210** | Fax **+1 (406) 449-3729** | lynn.peterson@tetratech.com

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303 Irene St. | Helena, Montana 59601 | tetratech.com

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Museum
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Publications
Research Center

November 16, 2017

Ms. Lynn Peterson
Tetra Tech, Inc.
303 Irene Street
PO Box 4699
Helena, MT 59604

RE: Musselshell-Judith Rural Water System, Phase 1 Addendum
Wheatland, Judith Basin and Fergus Counties, Montana

Dear Ms. Peterson:

Thank you for the cultural report (received November 13, 2017) regarding the Musselshell-Judith Rural Water System, Phase 1 Addendum project in Wheatland, Judith Basin and Fergus Counties, Montana. We greatly appreciate the cultural survey being completed for this project, even though it currently falls outside of Section 106.

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If you have any comments or questions, do not hesitate to contact me at (406) 444-0388 or JBush2@mt.gov. Thank you for informing us of this project.

Sincerely,

Jessica Bush

Jessica Bush, M.A.
Review and Compliance Officer
Montana State Historic Preservation Office

File: Local/Other – 2017 – 2017111306

225 North Roberts Street
P.O. Box 201201
Helena, MT 59620-1201
(406) 444-2694
(406) 444-2696 FAX
montanahistoricalsociety.org

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
HELENA REGULATORY OFFICE
10 WEST 15TH STREET, SUITE 2200
HELENA, MONTANA 59626

REPLY TO
ATTENTION OF

January 4, 2018

Regulatory Branch
Montana State Program
Corps No. **NWO-2017-01868**

Subject: CMRWA (Great West Engineering) - Musselshell Judith Regional Water System Project 1-05125 - Multiple Waterways - (Wheatland County)

James Hart
Tetra Tech
4750 W. 2100 S., Suite 400
Salt Lake City, UT 84120

Dear Mr. Hart:

We are responding to your request for Department of the Army Permitting regarding the above-referenced project. Specifically, you are proposing the construction of a new water pipeline to serve communities in Wheatland, Judith Basin, and Fergus counties, Montana. The project is near Latitude 46.595845°, Longitude -109.791734°, within Section 6, Township 11 N, Range 16 E, Principal Meridian, Fergus County, Montana.

The mission of the U.S. Army Corps of Engineers (Corps) Regulatory Program is to protect the Nation's aquatic resources while allowing reasonable development through fair, flexible and balanced permit decisions. In particular, under Section 404 of the Clean Water Act, we work to protect the biological, physical, and chemical integrity of the Nation's aquatic resources. Projects are evaluated on a case-by-case basis to determine the potential benefits and detriments that may occur as a result of the proposal. In all cases an applicant must avoid and minimize impacts to aquatic resources to the greatest extent practicable.

Under the authority of Section 404 of the Clean Water Act (CWA), DA permits are required for the discharge of fill material into waters of the U.S. Waters of the U.S. include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case basis.

Based on the information provided in your submittal, it appears that the proposed regulated activities within the project area will impact jurisdictional waters of the U.S. If your final design includes the placement of fill material in any jurisdictional area described above, or otherwise requires authorization by a DA permit, please submit a

Montana Joint Permit Application to this office prior to starting any work. After a review of the materials submitted we will determine what type of permit, if any, will be required. You can obtain a Montana Joint Permit Application Form at the following address: http://www.dnrc.mt.gov/licenses-and-permits/stream-permitting. A list of requirements for a complete Nationwide Permit application can be obtained at the following address: http://www.nwo.usace.army.mil/Media/Fact-Sheets/Fact-Sheet-Article-View/Article/487708/pre-construction-notification/ If you do not have internet access please contact our office at the address below to obtain more information.

Note that this letter is not a DA authorization to proceed. It only informs you of your need to obtain a DA permit if waters of the U.S. will be affected. If waters of the U.S. will not be affected by a jurisdictional activity a DA permit will not be required for the project.

Please refer to identification number NWO-2017-01868 in any correspondence concerning this project. If you have any questions, please contact Jade Clabaugh at10 W 15th Street, Helena, Montana 59626, by email at Jade.M.Clabaugh@usace.army.mil, or telephone at (406) 441-1365.

Sincerely,

Jade M. Clabaugh
Regulatory Project Manager

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

A. Report Completion Date for Preliminary Jurisdictional Determination (JD):

04 January 2018

B. Name and Address of Person Requesting Preliminary JD:

Tetra Tech
4750 W 2100 S, Suite 400
Salt Lake City, UT 84120

C. District Office, File Name, and Number:

Omaha District, Helena Regulatory Office, Musselshell Judith Regional Water System Project 1-05125 - Multiple Waterways - (Wheatland County); NWO-2017-01868-MTB

D. PROJECT LOCATION(S), BACKGROUND INFORMATION, AND WATERS:

State: Montana
City: Harlowton
County: Wheatland, Judith Basin, and Fergus
Name of nearest waterbody: Antelope Creek

Identify amount of waters in the review area: See Table 1

Name of any water bodies on the site that have been identified as Section 10 waters:
Tidal:
Non-Tidal:

Table 1 - Waters of the U.S.

Site #	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resources in review area (ac)	Class of aquatic resource
W-1	46.44133700	-109.83336200	PEM	0.004	Non-tidal
W-2	46.44801300	-109.82334300	PEM	0.001	Non-tidal
W-3	46.45006700	-109.82297300	PEM	0.01	Non-tidal
W-4	46.45017400	-109.82273300	PEM	0.02	Non-tidal

W-5	46.45127800	-109.82237100	PEM	0.01	Non-tidal
W-6	46.45220000	-109.82230200	PEM	0.02	Non-tidal
W-7	46.45279100	-109.82190000	PEM	0.02	Non-tidal
W-8	46.45667000	-109.82101700	PEM	0.04	Non-tidal
W-9	46.45949200	-109.82022600	PEM	0.05	Non-tidal
W-10	46.45979000	-109.82010100	PEM	0.007	Non-tidal
W- 12	46.46375500	-109.81595400	PEM	0.007	Non-tidal
W-13	46.46374000	-109.81564800	PEM	0.0003	Non-tidal
W-14	46.48067900	-109.81135800	PEM	0.14	Non-tidal
W-15	46.48072600	-109.81168100	PEM	0.10	Non-tidal
W-16	46.50913300	-109.81770900	PEM	0.004	Non-tidal
W-17	46.50910000	-109.81790800	PEM	0.008	Non-tidal
W-18	46.51521400	-109.82097900	PEM	0.03	Non-tidal
W-19	46.58519400	-109.80845700	PEM	0.07	Non-tidal
W-20	46.59059800	-109.80843100	PEM	0.33	Non-tidal
W-21	46.65675300	-109.80874100	PEM	0.07	Non-tidal
W-22	46.70128400	-109.81314600	PEM	0.05	Non-tidal
W-23	46.69636700	-109.80920300	PEM	0.11	Non-tidal
W-24	46.71712600	-109.82565400	PEM	0.03	Non-tidal
W-25	46.72315700	-109.82974200	PEM	0.03	Non-tidal
W-26	46.73407700	-109.82986100	PEM	0.05	Non-tidal
W-27a	46.74368500	-109.82984500	PEM	0.19	Non-tidal
W-27b	46.74388100	-109.82971300	PEM	0.11	Non-tidal
W-28	46.76599400	-109.83026600	PEM	0.05	Non-tidal
W-29a	46.76621400	-109.82997500	PEM	0.53	Non-tidal
W-29b	46.76913200	-109.83009400	PEM	0.11	Non-tidal
W-30	46.76931700	-109.82997000	PEM	0.04	Non-tidal
W-31	46.75121100	-109.80908800	PEM	0.49	Non-tidal
W-32	46.67643300	-109.81233200	PEM	0.03	Non-tidal
W-33	46.67648000	-109.81201000	PSS	0.05	Non-tidal
W-34	46.67882900	-109.80903200	PEM	0.10	Non-tidal

W-35	46.67771400	-109.81030700	PEM	0.20	Non-tidal
W-36	46.74786300	-109.76153400	PEM	0.03	Non-tidal
W-37a	46.74781190	-109.76294560	PEM	0.18	Non-tidal
W-37b	46.74789640	-109.76016070	PEM	0.05	Non-tidal
W-38	46.74791400	-109.76304300	PEM	0.04	Non-tidal
W-39	46.74801600	-109.76008500	PEM	0.03	Non-tidal
W-40	46.74802800	-109.75472700	PEM	0.005	Non-tidal
W-41	46.74814000	-109.75425600	PEM	0.02	Non-tidal
W-42	46.67960600	-109.80846100	PEM	0.05	Non-tidal
W-43	46.68026500	-109.80857000	PEM	0.04	Non-tidal
W-44	46.68114100	-109.80844200	PEM	0.006	Non-tidal
W-45	46.68738500	-109.80854800	PEM	0.05	Non-tidal
Site #	**Latitude**	**Longitude**	**Cowardin Class**	**Estimated amount of aquatic resources in review area**	**Class of aquatic resource**
NWW-1	46.44137500	-109.83336400	PUB3	0.08 (ac)	Non-tidal
NWW-2	46.45663900	-109.82103400	R3UB1	64 (ft)	Non-tidal
NWW-3	46.45983300	-109.82012300	R3UB1	48 (ft)	Non-tidal
NWW-4	46.51516500	-109.82090500	PUB3	0.006 (ac)	Non-tidal
NWW-5	46.67743300	-109.81108400	PUB3	0.21 (ac)	Non-tidal
NWW-6	46.68068400	-109.80851000	R6	80 (ft)	Non-tidal
NWW-7	46.69623000	-109.80895800	PUB3	0.05 (ac)	Non-tidal
NWW-8	46.73424500	-109.82968400	R4SB3	183 (ft)	Non-tidal
NWW-9	46.74802200	-109.75989400	R3UB1	11 (ft)	Non-tidal
NWW-10	46.74815300	-109.75422300	R3UB1	57 (ft)	Non-tidal

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 04 January 2018
☐ Field Determination. Date(s):

F. SUPPORTING DATA:

Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☒ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: .
- ☐ Corps navigable waters' study: .
- ☐ U.S. Geological Survey Hydrologic Atlas: .
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☐ U.S. Geological Survey map(s). Cite quad name:
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: GIS.
- ☒ National wetlands inventory map(s). Cite name: GIS.
- ☒ State/Local wetland inventory map(s): MT Natural Heritage Program.
- ☐ FEMA/FIRM maps: .
- ☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- ☐ Photographs: ☐ Aerial (Name & Date):
  or ☐ Other (Name & Date): .
- ☐ Previous determination(s). File no. and date of response letter: .
- ☒ Other information (please specify): All waterways on site flow into the Musselshell River which flows into the Missouri River, an interstate & navigable water of the U.S.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Jade Clabaugh 04 January 2018
Signature and date of
Regulatory Project Manager
(REQUIRED)

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining the signature is impracticable)

G. EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

From: McClure, Kristin
To: Flood, Cameo
Subject: Fwd: Judith Basin County Weed Plan
Date: Wednesday, March 3, 2021 3:02:59 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
Noxious Weed Management Plan 2020-2021.doc

Get Outlook for iOS

From: Judith Basin County Road <jbcordwd@itstriangle.com>
Sent: Thursday, October 15, 2020 10:48:56 AM
To: McClure, Kristin <Kristin.McClure@tetratech.com>
Subject: RE: Judith Basin County Weed Plan

Attached is the weed management plan you requested..

Have a Great Day

Michelle

From: McClure, Kristin <Kristin.McClure@tetratech.com>
Sent: Thursday, October 15, 2020 10:42 AM
To: jbcordwd@itstriangle.com
Subject: Judith Basin County Weed Plan

Kristin McClure | Environmental Project Specialist
Direct **(406) 327-5234** | Mobile **(406) 250-9665** | kristin.mcclure@tetratech.com

Tetra Tech, Inc. | *Leading with Science®*
2525 Palmer Street Suite 2 | Missoula, MT 59808 | tetratech.com

Flood, Cameo

From: Hammond, Swade D CIV USARMY CENWO (USA) <Swade.D.Hammond@usace.army.mil>
Sent: Tuesday, January 19, 2021 3:18 PM
To: Flood, Cameo
Subject: !EXT! NWO-2017-01868-MTB; Central Montana Regional Water Authority

Good Afternoon,

I have been assigned to the project in the subject line above. Based on my initial evaluation, it appears that you are indicating there would be no discharge of dredged or fill materials into streams, rivers, and/or wetlands. Is that correct? Reading the application, boring is discussed but other portions of the application indicate a temporary side casting of material would occur. Are the side casting locations all outside of aquatic resources? Or would some side casting be completed in streams, rivers and/or wetlands? The application does indicate that wetlands would be bored, I just need to ensure that all aquatic resources would be bored and no discharge would occur whether that is temporary or permanent. Please let me know as soon as you can. This would make the ultimate determination on the path moving forward.

Respectfully,

Swade Hammond
Senior Project Manager
U.S. Army Corps of Engineers
490 N 31st Street, Suite 112
Billings, Montana 59101

Office: 406-657-5910
Cell: 701-715-3179

The Montana Regulatory Office is now accepting digital submittals! Effective immediately, please submit new requests in digital form to Montana.Reg@usace.army.mil for initial in-processing. (NOTE: Emails including attachments cannot exceed 40Mb). Further information and instructions regarding submitting requests electronically can be found at: https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Montana/

Regulatory Customer Service Survey: http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
HELENA REGULATORY OFFICE
10 WEST 15TH STREET, SUITE 2200
HELENA, MONTANA 59626

REPLY TO
ATTENTION OF

January 20, 2021

Regulatory Branch
Montana State Program
Corps No. **NWO-2017-01868-MTH**

Subject: Water Pipeline Construction

Central Montana Regional Water Authority
Attn: Mr. James Kalitowski
PO Box 660
Roundup, Montana 59072

Dear Mr. Kalitowski:

We are responding to your request for comment, regarding Department of the Army authorization for the above-referenced project. The proposed work includes the placement of a waterline from Harlowton to Garneill. The project is located at Latitude 46.677650°, Longitude -109.810442°, within multiple Sections of Townships 8, 9, 10, 11, and 12 North, Range 15 East, in the counties of Wheatland and Judith Basin, Montana.

This project has been reviewed in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Under the authority of Section 404, Department of the Army permits are required for the discharge of fill material into waters of the U.S. Waters of the U.S. include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case basis. Under the authority of Section 10, Department of the Army permits are required for structures or work in, over, or under a navigable water of the U.S., or work which affects the course, location, condition or capacity of such waters.

Based on the information you have provided in the Joint Application received on December 23, 2020, and confirmed in an email dated January 19, 2021, the proposed work will not result in the discharge of dredged or fill material within waters of the United States and does not involve work in, over or under navigable waters of the United States. Therefore, a Department of the Army permit is not required for this work. However, this letter only pertains to work conducted within the project review area, as indicated on the enclosed map.

Although a Department of the Army permit will not be required for this activity, this does not eliminate the requirements that other applicable federal, state, tribal, and local permits are obtained if needed. Please be advised that deviations from the reviewed plans and specifications of this project involving the placement of fill material in a water of the U.S., could require authorization from this office.

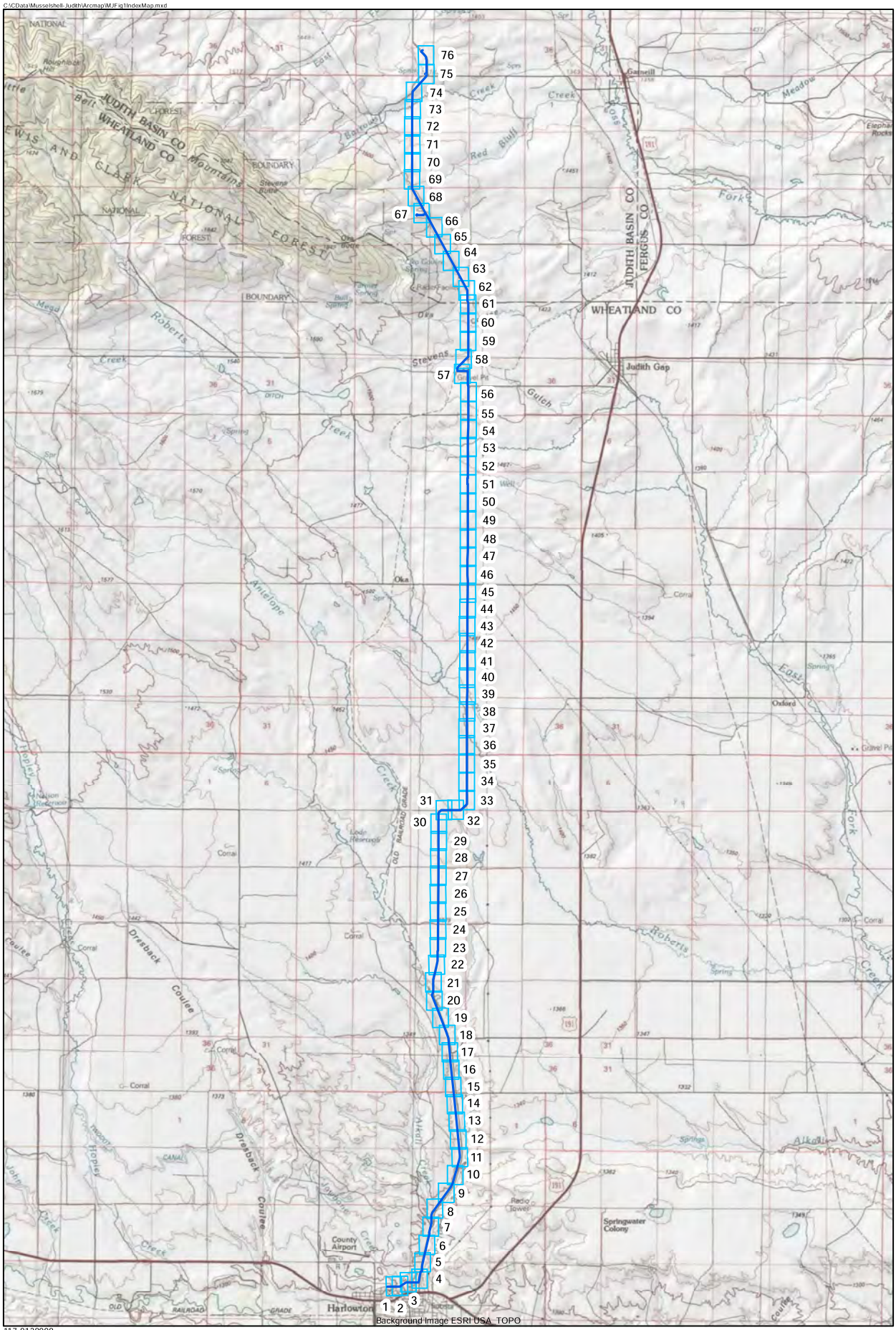
Please refer to identification number **NWO-2017-01868-MTH** in any correspondence concerning this project. If you have any questions, please contact me at Post Office Box 7032, Billings, Montana 59103, by email at *swade.d.hammond@usace.army.mil*, or telephone at (406) 657-5910.

Sincerely,

Swade D. Hammond
Senior Project Manager

Enclosure:
NWO-2017-01868-MTH Project Review Area Index Map

C:\CData\Musselshell-Judith\Arcmap\MJFig1IndexMap.mxd



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1 Figure 2 Map Area, Page Number

Waterline Route

Index Map
Musselshell-Judith Waterline Project
Central MT Regional Water Authority
Wheatland And Judith Basin
Counties, Montana
Figure 1

Flood, Cameo

From: Hammond, Swade D CIV USARMY CENWO (USA) <Swade.D.Hammond@usace.army.mil>
Sent: Wednesday, January 20, 2021 9:54 AM
To: Sovner, Nicholas
Cc: Flood, Cameo
Subject: RE: !EXT! NWO-2017-01868-MTB; Central Montana Regional Water Authority

Thank you Mr. Sovner.

This clears up the information I was looking for. Have a good day!

Respectfully,

Swade

From: Sovner, Nicholas <Nicholas.Sovner@tetratech.com>
Sent: Tuesday, January 19, 2021 4:33 PM
To: Hammond, Swade D CIV USARMY CENWO (USA) <Swade.D.Hammond@usace.army.mil>
Cc: Flood, Cameo <Cameo.Flood@tetratech.com>
Subject: [Non-DoD Source] FW: !EXT! NWO-2017-01868-MTB; Central Montana Regional Water Authority

Hello Swade,
I am helping Cameo with this project, in regards to your questions please see my answers below. I'd also be happy to discuss any of this over the phone if you would like.

- No discharge or fill is planned.
- All side casting locations will occur in upland areas and not in wetlands or streams.
- All borings will be initiated in upland areas and horizontal drilling techniques will be used to bore beneath wetlands and streams.

Sincerely,

Nicholas S. Sovner | Project Scientist
Mobile **(406) 202-0466** | nicholas.sovner@tetratech.com

From: Hammond, Swade D CIV USARMY CENWO (USA) <Swade.D.Hammond@usace.army.mil>
Sent: Tuesday, January 19, 2021 3:18 PM
To: Flood, Cameo <Cameo.Flood@tetratech.com>
Subject: !EXT! NWO-2017-01868-MTB; Central Montana Regional Water Authority

Good Afternoon,

I have been assigned to the project in the subject line above. Based on my initial evaluation, it appears that you are indicating there would be no discharge of dredged or fill materials into streams, rivers, and/or wetlands. Is that correct?

Reading the application, boring is discussed but other portions of the application indicate a temporary side casting of material would occur. Are the side casting locations all outside of aquatic resources? Or would some side casting be completed in streams, rivers and/or wetlands? The application does indicate that wetlands would be bored, I just need to ensure that all aquatic resources would be bored and no discharge would occur whether that is temporary or permanent. Please let me know as soon as you can. This would make the ultimate determination on the path moving forward.

Respectfully,

Swade Hammond
Senior Project Manager
U.S. Army Corps of Engineers
490 N 31st Street, Suite 112
Billings, Montana 59101

Office: 406-657-5910
Cell: 701-715-3179

The Montana Regulatory Office is now accepting digital submittals! Effective immediately, please submit new requests in digital form to Montana.Reg@usace.army.mil for initial in-processing. (NOTE: Emails including attachments cannot exceed 40Mb). Further information and instructions regarding submitting requests electronically can be found at: https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Montana/

Regulatory Customer Service Survey: http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

Flood, Cameo

From: Hammond, Swade D CIV USARMY CENWO (USA) <Swade.D.Hammond@usace.army.mil>
Sent: Wednesday, January 20, 2021 11:46 AM
To: Sovner, Nicholas
Cc: Flood, Cameo
Subject: RE: !EXT! NWO-2017-01868-MTB; Central Montana Regional Water Authority
Attachments: NWO-2017-01868_NPR-No Fill Letter.pdf; Index_Map_Area_Map.pdf

Hello,

Please see attached No Permit Required Letter for the proposed project. Do you have an email for the chairman, identified in the application? If so, please send this signed letter to them and copy me. Otherwise, I can mail this to their address.

Respectfully,

Swade Hammond
Senior Project Manager
U.S. Army Corps of Engineers
490 N 31st Street, Suite 112
Billings, Montana 59101

Office: 406-657-5910
Cell: 701-715-3179

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Mobile **(406) 202-0466** | nicholas.sovner@tetratech.com

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U.S. Army Corps of Engineers
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Billings, Montana 59101

Office: 406-657-5910
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USDA
United States Department of Agriculture

Rural Development

Helena Sub-Area Office

790 Colleen Street
Helena, Montana 59601

Voice 406.449.5000 Ext. 4

Fax 855.576.2675

4/29/2021

Bobby Komardley
Chairman
Apache Tribe of Oklahoma
PO Box 1330
Anadarko, OK 73005

Subject: USDA RUS Staff Recommended Finding of No Historic Property Affected
Central Montana Regional Water Project-Phase 1
City of Harlowton, Wheatland County, and Judith Basin County, MT

Dear Chairman Komardley:

As you may know, the Central Montana Regional Water Authority is seeking financial assistance from the USDA Rural Development (RD) Rural Utilities Service (RUS) under its Water and Environmental Program for Central Montana Regional Water Project-Phase 1. This Project will be using the NPA to obligate funds before completing Section 106.

The Central Montana Regional Water Authority notified the Apache Tribe of Oklahoma on 9/18/2020 about the above-referenced project (see Enclosure). RUS understands that the COVID-19 outbreak has caused many State, Tribal and Native Hawaiian historic preservation offices to close or has hindered their ability to carry out their Section 106 duties due to lack of staff availability, health conditions, or furloughs. As RUS has not received a response to the letters issued on 9/18/2020, we would like to provide the Apache Tribe of Oklahoma an additional opportunity to comment before the Agency makes a final determination.

The CMRWA has developed the Ubet wellfield approximately seven miles northwest of Judith Gap in Judith Basin County. Phase 1 of the water project will include the installation of a pump for Well #3; construction of 12 ft by 8 ft electrical building and a 18 ft by 14.5 ft surge vault at Well #3; extension of overhead three-phase power to the Well #2 and Well #3 sites; construction of a 12-inch diameter ductile iron pipeline from Well #3 to Well #2; construction of a 44 ft by 34 ft disinfection and control building; construction of an 84 ft diameter 550,000 gallon concrete storage tank; construction of 6,000 ft of 16-inch pipeline from the control building to the storage tank; construction of a pipeline, 47,000 ft of 16-inch and 74,500 ft of 8-inch, from the tank to the City of Harlowton; construction of two pressure reducing valve stations in 8ft by 10 ft vaults; installation of buried fiber optic cable for system control; and the installation of electrical and control systems. All pipeline will be installed by construction of standard trenches or via horizontal directional drilling. The width of a standard trench will be per the Montana Public Works Standard Specifications which is the outside diameter of the pipe plus 2 ft.

The Central Montana Regional Water Authority (CMRWA) is a coalition of communities and rural households in central Montana that struggle with poor quality and inadequate quantities of safe drinking water. To best address the drinking water issue in central

[1] *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106* (NPA).

Montana, the CMRWA hired Great West Engineering to develop a Feasibility Report for the U.S. Bureau of Reclamation. The CMRWA has also completed the federal planning process proscribed by the Rural Water Supply Act of 2006, and it has secured from the State of Montana 100-percent of the water rights needed for the project.

If the Agency elects to fund this project, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations at 36 CFR Part 800.

The Agency defines the area of potential effect (APE) as an area that includes all project construction and excavation activity required to construct, modify, improve or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes are considered "direct" regardless of its specific type (whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

The APE for the referenced project consists of the area that extends from Judith Basin County, as shown on the enclosed map. Additionally, the APE does not include any Tribal lands as defined pursuant to 36 CFR 800.16(x). The APE for this project does not include any federal land.

On 9/18/2020 the following Indian tribes were notified about the Central Montana Regional Water Project-Phase 1: Apache Tribe of Oklahoma, Crow Tribe of Montana, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, Nez Perce Tribe, Little Shell Tribe, and the Shoshone-Bannock Tribes of the Fort Hall Reservation. No responses to the notification by Indian tribes or any requests have been received at this time, except for the Little Shell Tribe with a Letter of No Interest.

The enclosed report titled, a Cultural Resource Inventory for the Musselshell-Judith Rural Water System, Phase 1, In Wheatland, Judith Basin, and Fergus Counties, Montana, with amendments 1 and 2, dated August 2017 describes the results of the survey of the area of potential effects (APE). cultural resource inventory identified two historic sites, 24FR1276 and 24FR655, recommended not eligible for the NRHP. The MJRWS pipeline project cannot have an effect on these ineligible historic properties and no further cultural resource work is recommended. Based on the findings of the Cultural Resource Inventory for the Musselshell-Judith Rural Water System, Phase 1, In Wheatland, Judith Basin, and Fergus Counties, Montana, with amendments 1 and 2, dated August 2017, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, the Agency is re-submitting a finding of no historic properties affected and supporting documentation for review and consideration by the Apache Tribe of Oklahoma. Please provide your concurrence or objection, **electronically** to justin.bailey@usda.gov, within 15 business days of your receipt of this recommended finding. The Agency may also attempt to contact the Apache Tribe of Oklahoma so that you might participate in consultation for this undertaking. The Agency will proceed to the next step and conclude Section 106 review if we do not receive a response within the additional review period provided, beyond the 30-day regulatory period already expired. Please direct any questions you have to Justin Bailey at justin.bailey@usda.gov or 406-595-4787.

Sincerely,

Justin Bailey
RD Architect |RD Environmental Coordinator
Program Support Services, Rural Development
United States Department of Agriculture

Enclosures

Original Letters sent to Tribes
Map of APE
Cultural Resource Inventory with Amendments
SHPO Original Letter and Response

CC:

Steve Troendle, Community Programs Director, USDA RD
Donna Andreassi, Community Programs Specialist, USDA-RD
Susan Hayes, PE, Project Engineer, Great West Engineering

USDA
United States Department of Agriculture

Rural Development

Helena Sub-Area Office

790 Colleen Street
Helena, Montana 59601

Voice 406.449.5000 Ext. 4

Fax 855.576.2675

4/29/2021

Keith Baird
THPO
Nez Perce Tribe
PO Box 365
Lapwai, ID 83540

Subject: USDA RUS Staff Recommended Finding of No Historic Property Affected
Central Montana Regional Water Project-Phase 1
City of Harlowton, Wheatland County, and Judith Basin County, MT

Dear Mr. Baird:

As you may know, the Central Montana Regional Water Authority is seeking financial assistance from the USDA Rural Development (RD) Rural Utilities Service (RUS) under its Water and Environmental Program for Central Montana Regional Water Project-Phase 1. This Project will be using the NPA to obligate funds before completing Section 106.

The Central Montana Regional Water Authority notified the Nez Perce Tribe on 9/18/2020 about the above-referenced project (see Enclosure). RUS understands that the COVID-19 outbreak has caused many State, Tribal and Native Hawaiian historic preservation offices to close or has hindered their ability to carry out their Section 106 duties due to lack of staff availability, health conditions, or furloughs. As RUS has not received a response to the letters issued on 9/18/2020, we would like to provide the Nez Perce Tribe an additional opportunity to comment before the Agency makes a final determination.

The CMRWA has developed the Ubet wellfield approximately seven miles northwest of Judith Gap in Judith Basin County. Phase 1 of the water project will include the installation of a pump for Well #3; construction of 12 ft by 8 ft electrical building and a 18 ft by 14.5 ft surge vault at Well #3; extension of overhead three-phase power to the Well #2 and Well #3 sites; construction of a 12-inch diameter ductile iron pipeline from Well #3 to Well #2; construction of a 44 ft by 34 ft disinfection and control building; construction of an 84 ft diameter 550,000 gallon concrete storage tank; construction of 6,000 ft of 16-inch pipeline from the control building to the storage tank; construction of a pipeline, 47,000 ft of 16-inch and 74,500 ft of 8-inch, from the tank to the City of Harlowton; construction of two pressure reducing valve stations in 8ft by 10 ft vaults; installation of buried fiber optic cable for system control; and the installation of electrical and control systems. All pipeline will be installed by construction of standard trenches or via horizontal directional drilling. The width of a standard trench will be per the Montana Public Works Standard Specifications which is the outside diameter of the pipe plus 2 ft.

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U.S. Bureau of Reclamation. The CMRWA has also completed the federal planning process proscribed by the Rural Water Supply Act of 2006, and it has secured from the State of Montana 100-percent of the water rights needed for the project.

If the Agency elects to fund this project, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations at 36 CFR Part 800.

The Agency defines the area of potential effect (APE) as an area that includes all project construction and excavation activity required to construct, modify, improve or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes are considered "direct" regardless of its specific type (whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

The APE for the referenced project consists of the area that extends from Judith Basin County, as shown on the enclosed map. Additionally, the APE does not include any Tribal lands as defined pursuant to 36 CFR 800.16(x). The APE for this project does not include any federal land.

On 9/18/2020 the following Indian tribes were notified about the Central Montana Regional Water Project-Phase 1: Apache Tribe of Oklahoma, Crow Tribe of Montana, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, Nez Perce Tribe, Little Shell Tribe, and the Shoshone-Bannock Tribes of the Fort Hall Reservation. No responses to the notification by Indian tribes or any requests have been received at this time, except for the Little Shell Tribe with a Letter of No Interest.

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Accordingly, the Agency is re-submitting a finding of no historic properties affected and supporting documentation for review and consideration by the Nez Perce Tribe. Please provide your concurrence or objection, **electronically** to justin.bailey@usda.gov, within 15 business days of your receipt of this recommended finding. The Agency may also attempt to contact the Nez Perce Tribe so that you might participate in consultation for this undertaking. The Agency will proceed to the next step and conclude Section 106 review if we do not receive a response within the additional review period provided, beyond the 30-day regulatory period already expired. Please direct any questions you have to Justin Bailey at justin.bailey@usda.gov or 406-595-4787.

Sincerely,

Justin Bailey
RD Architect |RD Environmental Coordinator
Program Support Services, Rural Development
United States Department of Agriculture

Enclosures

Original Letters sent to Tribes
Map of APE
Cultural Resource Inventory with Amendments
SHPO Original Letter and Response

CC:

Steve Troendle, Community Programs Director, USDA RD
Donna Andreassi, Community Programs Specialist, USDA-RD
Susan Hayes, PE, Project Engineer, Great West Engineering

USDA
United States Department of Agriculture

Rural Development

Helena Sub-Area Office

790 Colleen Street
Helena, Montana 59601

Voice 406.449.5000 Ext. 4

Fax 855.576.2675

4/29/2021

William Bigday
THPO
Crow Tribe of Montana
PO Box 159
Crow Agency, MT 59022

Subject: USDA RUS Staff Recommended Finding of No Historic Property Affected
Central Montana Regional Water Project-Phase 1
City of Harlowton, Wheatland County, and Judith Basin County, MT

Dear Mr. Bigday:

As you may know, the Central Montana Regional Water Authority is seeking financial assistance from the USDA Rural Development (RD) Rural Utilities Service (RUS) under its Water and Environmental Program for Central Montana Regional Water Project-Phase 1. This Project will be using the NPA to obligate funds before completing Section 106.

The Central Montana Regional Water Authority notified the Crow Tribe of Montana on 9/18/2020 about the above-referenced project (see Enclosure). RUS understands that the COVID-19 outbreak has caused many State, Tribal and Native Hawaiian historic preservation offices to close or has hindered their ability to carry out their Section 106 duties due to lack of staff availability, health conditions, or furloughs. As RUS has not received a response to the letters issued on 9/18/2020, we would like to provide the Crow Tribe of Montana an additional opportunity to comment before the Agency makes a final determination.

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Accordingly, the Agency is re-submitting a finding of no historic properties affected and supporting documentation for review and consideration by the Crow Tribe of Montana. Please provide your concurrence or objection, **electronically** to justin.bailey@usda.gov, within 15 business days of your receipt of this recommended finding. The Agency may also attempt to contact the Crow Tribe of Montana so that you might participate in consultation for this undertaking. The Agency will proceed to the next step and conclude Section 106 review if we do not receive a response within the additional review period provided, beyond the 30-day regulatory period already expired. Please direct any questions you have to Justin Bailey at justin.bailey@usda.gov or 406-595-4787.

Sincerely,

Justin Bailey
RD Architect |RD Environmental Coordinator
Program Support Services, Rural Development
United States Department of Agriculture

Enclosures

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Map of APE
Cultural Resource Inventory with Amendments
SHPO Original Letter and Response

CC:

Steve Troendle, Community Programs Director, USDA RD
Donna Andreassi, Community Programs Specialist, USDA-RD
Susan Hayes, PE, Project Engineer, Great West Engineering

USDA
United States Department of Agriculture

Rural Development

Helena Sub-Area Office

790 Colleen Street
Helena, Montana 59601

Voice 406.449.5000 Ext. 4

Fax 855.576.2675

4/29/2021

Michael Blackwolf
THPO
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
656 Agency Main Street
Harlem, MT 59526

Subject: USDA RUS Staff Recommended Finding of No Historic Property Affected
Central Montana Regional Water Project-Phase 1
City of Harlowton, Wheatland County, and Judith Basin County, MT

Dear Mr. Blackwolf:

As you may know, the Central Montana Regional Water Authority is seeking financial assistance from the USDA Rural Development (RD) Rural Utilities Service (RUS) under its Water and Environmental Program for Central Montana Regional Water Project-Phase 1. This Project will be using the NPA to obligate funds before completing Section 106.

The Central Montana Regional Water Authority notified the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana on 9/18/2020 about the above-referenced project (see Enclosure). RUS understands that the COVID-19 outbreak has caused many State, Tribal and Native Hawaiian historic preservation offices to close or has hindered their ability to carry out their Section 106 duties due to lack of staff availability, health conditions, or furloughs. As RUS has not received a response to the letters issued on 9/18/2020, we would like to provide the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana an additional opportunity to comment before the Agency makes a final determination.

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The Central Montana Regional Water Authority (CMRWA) is a coalition of communities and rural households in central Montana that struggle with poor quality and inadequate

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quantities of safe drinking water. To best address the drinking water issue in central Montana, the CMRWA hired Great West Engineering to develop a Feasibility Report for the U.S. Bureau of Reclamation. The CMRWA has also completed the federal planning process proscribed by the Rural Water Supply Act of 2006, and it has secured from the State of Montana 100-percent of the water rights needed for the project.

If the Agency elects to fund this project, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations at 36 CFR Part 800.

The Agency defines the area of potential effect (APE) as an area that includes all project construction and excavation activity required to construct, modify, improve or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes are considered "direct" regardless of its specific type (whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

The APE for the referenced project consists of the area that extends from Judith Basin County, as shown on the enclosed map. Additionally, the APE does not include any Tribal lands as defined pursuant to 36 CFR 800.16(x). The APE for this project does not include any federal land.

On 9/18/2020 the following Indian tribes were notified about the Central Montana Regional Water Project-Phase 1: Apache Tribe of Oklahoma, Crow Tribe of Montana, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, Nez Perce Tribe, Little Shell Tribe, and the Shoshone-Bannock Tribes of the Fort Hall Reservation. No responses to the notification by Indian tribes or any requests have been received at this time, except for the Little Shell Tribe with a Letter of No Interest.

The enclosed report titled, a Cultural Resource Inventory for the Musselshell-Judith Rural Water System, Phase 1, In Wheatland, Judith Basin, and Fergus Counties, Montana, with amendments 1 and 2, dated August 2017 describes the results of the survey of the area of potential effects (APE). cultural resource inventory identified two historic sites, 24FR1276 and 24FR655, recommended not eligible for the NRHP. The MJRWS pipeline project cannot have an effect on these ineligible historic properties and no further cultural resource work is recommended. Based on the findings of the Cultural Resource Inventory for the Musselshell-Judith Rural Water System, Phase 1, In Wheatland, Judith Basin, and Fergus Counties, Montana, with amendments 1 and 2, dated August 2017, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, the Agency is re-submitting a finding of no historic properties affected and supporting documentation for review and consideration by the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana. Please provide your concurrence or objection, **electronically** to justin.bailey@usda.gov, within 15 business days of your receipt of this recommended finding. The Agency may also attempt to contact the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana so that you might participate in consultation for this undertaking. The Agency will proceed to the next step and conclude Section 106 review if we do not receive a response within the additional

review period provided, beyond the 30-day regulatory period already expired. Please direct any questions you have to Justin Bailey at justin.bailey@usda.gov or 406-595-4787.

Sincerely,

Justin Bailey
RD Architect |RD Environmental Coordinator
Program Support Services, Rural Development
United States Department of Agriculture

Enclosures

Original Letters sent to Tribes
Map of APE
Cultural Resource Inventory with Amendments
SHPO Original Letter and Response

CC:

Steve Troendle, Community Programs Director, USDA RD
Donna Andreassi, Community Programs Specialist, USDA-RD
Susan Hayes, PE, Project Engineer, Great West Engineering

USDA
United States Department of Agriculture

Rural Development

Helena Sub-Area Office

790 Colleen Street
Helena, Montana 59601

Voice 406.449.5000 Ext. 4

Fax 855.576.2675

4/29/2021

Tino Batt
Chairman
Shoshone-Bannock Tribes of the Fort Hall Reservation
PO Box 306
Fort Hall, ID 83202

Subject: USDA RUS Staff Recommended Finding of No Historic Property Affected
Central Montana Regional Water Project-Phase 1
City of Harlowton, Wheatland County, and Judith Basin County, MT

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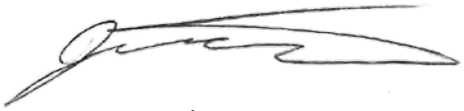

Justin Bailey
RD Architect |RD Environmental Coordinator
Program Support Services, Rural Development
United States Department of Agriculture

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Chapter 7
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Chapter 8
List of Preparers

The following people prepared this EA or provided important oversight and review.

- Cameo Flood, Tetra Tech, Inc., Senior NEPA Project Manager. NEPA review.
- Kristin McClure, Tetra Tech, Inc., Environmental Engineer.
- Nicholas Sovner, Tetra Tech, Inc., Environmenal Scientist.
- Susan Hayes, Great West Engineering, PE, Project Engineer.

Appendix A
Conservation Measures for Threatened, Endangered, and Candidate Species

This project is located within bear habitat, adhere to the following requirements:

1. No guns or dogs are allowed on the project site during construction.
2. Stockpiles of topsoil must be contained on the one-acre Action Area and may not be stored offsite or on environmentally sensitive areas. Environmentally sensitive areas include cultural sites and wetlands.
3. Promptly clean up any project related spills, litter, garbage, debris, etc.
4. Camping is not allowed on the project site.
5. Store all food, food related items, petroleum products, antifreeze, garbage, and personal hygiene items inside a closed, hard-sided vehicle or commercially manufactured bear resistant container.
6. Remove garbage from the project site daily and dispose of it in accordance with all applicable regulations.